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volunteers who were at the time of enlistment enrolled and subject to draft in the States in which they volunteered, shall receive from the United States the same amount of bounty without regard to color.

Mr. SCHENCK. I offer the following as a substitute for that amendment, to come in after the enacting words:

That any colored person enlisted and mustered into the service as a volunteer under the call dated October 17, 1863, for three hundred thousand volunteers, who was at the time of enlistment actually enrolled and subject to draft in the State in which he volunteered, shall receive from the United States the same amount of bounty as was paid to white soldiers under the said call, not exceeding in any case $100.

Mr. STEVENS. As I do not see any difference between that and the Senate amendment, I am willing that it shall be adopted.

Mr. FARNSWORTH. I understand, if my recollection serves me, that when we passed the enrollment bill there was incorporated into it a provision that the $100 bounty to slaves should be paid to the master.

Now, this amendment, as I understand it, provides that the bounty money shall be paid to the colored man who enlists, not exceeding $100. I want to know whether this is to be in addition to the $100 paid to the master, or whether it is intended to repeal that provision of the enrollment bill which provides for the payment of the $100 to the master. If this is a repeal of that provision, I am for it; if it is an additional bounty of $100, I am against it. I am in favor of paying the bounty to the man who enlists, and not to his master or any other man.

Mr. SCHENCK. My own impression is that this does not interfere with the existing law to which the gentleman has referred. It pays the bounty to volunteers without regard to color.

The amendment which I offer is, I think, clearer and in better shape in the first part of it than the section as it comes from the Senate, so far as the phraseology is concerned; and by distinctly specifying at the close that the bounty shall be limited to $100, it prevents a construction by which volunteers might receive $300 or $402.

Mr. STEVENS. I have no objection to this amendment, and now call the previous question.

Mr. COX. Is it too late to raise a point of order on this last amendment?

The SPEAKER. It is too late.

Mr. COX. I think the amendment interferes with the existing law.

The SPEAKER. It is too late to raise the point.

Mr. MORRISON. I ask the gentleman from Pennsylvania to withdraw his demand for the previous question, in order that I may offer an amendment to the amendment.

Mr. STEVENS. No, sir; I cannot.

The previous question was seconded, and the main question ordered; and under its operation the amendment offered by Mr. SCHENCK was agreed to.

The question recurred on the Senate amendment as amended.

Mr. ELDRIDGE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 78, nays 51; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnold, John D. Baldwin, Baxter, Beaman, Blaine, Jacob B. Blair, Blow, Boutwell, Boyd, Brandegee, Broomall, Cobb, Cole, Creswell, Henry Winter Davis, Dawes, Deming, Dixon, Donnelly, Driggs, Eckley, Eliot, Farnsworth, Fenton, Frank, Garfield, Grinnell, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Hulburd, Jenckes, Julian, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Longyear, Marvin, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Norton, Odell, Charles O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, Alexander H. Rice, John H. Rice, Schenck, Scofield, Shannon, Sloan, Spalding, Stevens, Thayer, Upson, Elihu B. Washburne, William B. Washburn, Williams, Wilder, Wilson, and Windom—78.

NAYS—Messrs. James C. Allen, Augustus C. Baldwin, Chanler, Clay, Cox, Cravens, Dawson, Denison, Eden, Eldridge, Finck, Ganson, Grider, Hall, Harding, Harrington, Benjamin G. Harris, Charles M. Harris, Herrick, Holman, Hutchins, Kernan, King, Knapp, Law, Lazear, Le Blond, Long, Marcy, McDowell, McKinney, William H. Miller, James R. Morris, Morrison, Noble, John O'Neill, Perry, Radford, Samuel J. Randall, James S. Rollins, Ross, Scott, Smith, John B. Steele, Stiles, Strouse, Voorhees, Whaley, Wheeler, Chilton A. White, and Fernando Wood—51.

So the Senate amendment as amended was concurred in.

Mr. STEVENS moved to reconsider the vote by which the amendment was concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The eighth amendment of the Senate was reported, as follows:

And be it further enacted, That all persons of color who have been enlisted and mustered into the service of the United States shall be entitled to receive the pay and clothing allowed by law to other volunteers in the service from the date of their muster-in to the service: *Provided*, That the same shall have been pledged or promised to them by any officer or person who in making such pledge or promise had the authority of the War Department; and the Secretary of War is hereby authorized to determine any question of fact arising under this provision.

The Committee of Ways and Means recommended to strike out all after the enacting clause and to insert as follows:

That all free persons of color who have been or may be mustered into the military service of the United States shall from the date of their enlistment receive the same uniform, clothing, arms, equipments, camp equipage, rations, medical and hospital attendance, pay and emoluments, and bounty as other soldiers of the regular or volunteer forces of the United States of like arm of the service.

Mr. SCHENCK. I propose to offer as a substitute for the amendment reported by the Committee of Ways and Means the following, agreed upon by the Committee on Military Affairs:

That in every case where it shall be made to appear to the satisfaction of the Secretary of War, that any regiment, or any battery, or any company of cavalry, of colored troops, has been enlisted and mustered into the service of the United States, under any authorized assurance given by any officer or agent of the United States, or by any Governor of any State, authorized thereto by the President or the Secretary of War, that the non-commissioned officers and privates of such regiment, battery, or company should be paid the same as other troops of the same arm of the service, then they shall be so paid for the period of time counting from the date of their being respectively mustered into the service to the 1st day of January, A. D. 1864.

That there may be reserved at the discretion of the Secretary of War, and under such regulation as he may prescribe, a portion of the pay of any colored soldier, not exceeding in any case more than one third thereof, to be applied to the support of the family of such soldier, or of other near relatives dependent on him for support.

I propose both of those sections in lieu of the one section reported by the Committee of Ways and Means. The House has already determined to equalize the pay of the colored and the white troops retroactively, beginning on the 1st day of January last. The Committee on Military Affairs preferred that it should begin to-morrow, but the committee was misunderstood, and members seemed to think that it was not in favor of equalizing the pay. The Committee on Military Affairs did propose to equalize the pay, but beginning to-morrow the 1st of May. The House, however, has carried back the principle to the 1st of January. The Committee of Ways and Means proposes now to go still back of the 1st of January, and to pay to all colored troops enlisted in the free States the full pay given to white soldiers from the time of their enlistment. The committee does not even say, from the time of mustering-in, which is, perhaps, what was intended, but proposes to go back in all cases and pay to colored troops enlisted in the free States this full pay from the time of their enlistment. That would exclude all the colored troops enlisted in Maryland, and they would come in only under the January clause. It would exclude all the colored troops from the slave States, who would come only under the January clause.

But what the Committee on Military Affairs propose is not to go behind the 1st of January, or before the 1st of January if you please to call it so, to increase the pay of these colored troops generally, but to go back and increase the pay of those only who were enlisted with the assurance that they were to receive the same pay as white troops. It would include, as I understand, the fifty-fourth and fifty-fifth Massachusetts regiments, the first South Carolina, and I think perhaps one battery and one company of cavalry. These are, perhaps, the only ones that were recruited upon the assurance that they should be paid the same as white soldiers, but who have not been so paid. This, then, is the distinction of the Senate in respect to the equalization of their pay. It is, perhaps, justice to the Committee on Military Affairs to say that they were all the time in favor of equalizing the pay of those in military service, and gentlemen who supposed they were not have fallen into a mistake from the fact that we considered it a matter of equal justice to all that the change in the pay of those colored troops should commence with the present time. But now, as the House has decided to go back to the 1st of January, we propose to go to no period antecedent to that time, and in this we agree both with the Senate and the War Department, except where they have enlisted upon the assurance I have suggested. Gentlemen can easily perceive into what difficulties we might be carried by going beyond that. For instance, intelligent and capable colored men have enlisted from Maryland, and there is no reason why they should not receive the same pay as those from Massachusetts and South Carolina, except that they were given the assurance when they enlisted that they should be so paid.

Mr. GANSON. I would like to ask the gentleman whether this assurance was made by the General Government or by the States.

Mr. SCHENCK. By the General Government, by officers duly authorized, or by the Governor of some State who had been so authorized by the Government of the United States.

Mr. GANSON. Does the gentleman say that the Governor of Massachusetts was authorized by the General Government to give that assurance?

Mr. SCHENCK. I understand that to be the fact. I understand that assurance to have been given upon the authority of the General Government in respect to the two Massachusetts regiments I have named, and the first South Carolina regiment. But we provide that the proof shall be made to the satisfaction of the Department that such assurances, on proper authority, were given, and that upon that assurance only shall this additional pay be given.

Mr. ELDRIDGE. I desire to inquire of the gentleman from Ohio whether there was any authority in the General Government to make these assurances, or to authorize officers in particular States to make them, and whether, if they were so made, it is not an act of injustice to discriminate against other States in that respect.

Mr. SCHENCK. I reply to the gentleman from Wisconsin, that it has been a matter of doubt whether, in view of the law for paying these troops ten dollars per month, the assurances given had any legal obligation. But, as they have been given, we propose to settle the matter by legalizing those assurances that far, but to go no further.

Mr. RADFORD. Will the gentleman name the States in favor of which it is proposed to discriminate?

Mr. SCHENCK. I have already stated that this provision will include two Massachusetts regiments, one South Carolina regiment, which was enlisted at Hilton Head, and then there is a question whether such assurances were or were not given to a battery and company of cavalry from one of the northwestern States. I have forgotten which. The other amendment to which I wish to ask attention, is a provision in regard to the application of one third of this money to be paid to these troops, under regulations to be prescribed by the War Department, for the support of their families. We propose that as a substitute for the amendment of the Committee of Ways and Means.

Mr. DAVIS, of Maryland. If I understood the amendment of the gentleman from Ohio, it meets my approval entirely, except as to that portion which proposes to retain a part of the colored troops' pay, to be expended under other

auspices than their own, for the support of their families. Now, while we are professing to put these people upon an equality, let us put them in fact upon an equality. If the colored soldier is to be paid equally with the other soldiers of the United States, let us treat him as a rational being, equally competent to take care of himself and of his family with the white soldier. I beg the gentleman from Ohio to take that portion out of his amendment, and let the equality which we propose to give be real.

Mr. SCHENCK. That can be accomplished by calling for a division of the question, taking first the vote on one section and then on the other.

The SPEAKER. The amendment is not divisible. It must be voted on as a whole.

Mr. SCHENCK. Is it not in order to move to strike out that section?

The SPEAKER. The power of amendment has gone to the fullest extent.

Mr. STEVENS. I hope that the amendment of the gentleman from Ohio will not be adopted in either shape, for this reason: the amendment proposed by the Committee of Ways and Means is simply that all free persons of color, whether living in Maryland or anywhere else, who are enlisted and mustered into the service of the United States, shall be put precisely upon the same footing with all other soldiers from the time of their enlistment. The gentleman from Ohio proposes to make a distinction between those who had no special assurance and those who enlisted under the assurance that they would be paid the same as other soldiers. That is unjust. There is no reason why those in Massachusetts or in any other State who were told what they should get shall be allowed this amount, while others enlisted without any assurance shall get a less amount.

Besides that, it puts the War Department to the trouble of inquiring in each case what was the assurance of the recruiting officer. The whole thing is complicated and impracticable. In reference to the "contrabands," while we increase their pay from the 1st of January, we consider their freedom as an offset to the bounty. We include all freemen as entitled to bounty, and to be paid from the time they were mustered into the service.

I hope that the gentleman's amendment will be voted down, and that we will do justice throughout. I hope that the amendment of the Committee of Ways and Means will be adopted, and then the amendment of the Senate as amended concurred in.

Mr. DAVIS, of Maryland. I ask the gentleman from Ohio to withdraw the last resolution for the present.

Mr. STEVENS. I must call for the previous question.

Mr. SCHENCK. The difficulty is that many members vote for an increase of the pay of the colored soldiers provided a portion will go to their families.

Mr. STEVENS. I insist on my demand for the previous question.

The previous question was seconded, and the main question ordered.

Mr. SCHENCK's amendment was disagreed to.

The question then recurred on the amendment of the Committee of Ways and Means.

Mr. FINCK demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 73, nays 54; as follows:

YEAS—Messrs. Alley, Allison, Ames, Arnold, John D. Baldwin, Baxter, Beaman, Blaine, Blow, Boutwell, Boyd, Brandegee, Broomall, Cobb, Cole, Creswell, Henry Winter Davis, Dawes, Deming, Dixon, Donnelly, Driggs, Eckley, Elliot, Fenton, Frank, Garfield, Grinnell, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Hulburd, Jenckes, Julian, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Longyear, Marvin, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Norton, Charles O'Neill, Orth, Perham, Pike, Pomeroy, Price, Alexander H. Rice, John H. Rice, Edward H. Rollins, Schenck, Scofield, Shannon, Sloan, Spalding, Stevens, Thayer, Upson, Elihu B. Washburne, Williams, Wilder, Wilson, and Windom—73.

NAYS—Messrs. James C. Allen, Ancona, Anderson, Augustus C. Baldwin, Jacob B. Blair, Brooks, William G. Brown, Chanler, Clay, Cox, Cravens, Dawson, Eden, Eldridge, Finck, Ganson, Grider, Griswold, Hall, Harding, Harrington, Benjamin G. Harris, Charles M. Harris, Herrick, Holman, Philip Johnson, Kernan, King, Knapp, Law, Le Blond, Long, Marcy, William H. Miller, James R. Morris, Morrison, Noble, John O'Neill, Perry, Radford, Robinson, James S. Rollins, Ross, Scott, Smith, John B. Steele, Stiles, Strouse, Voorhees, Whaley, Wheeler, Chilton A. White, Fernando Wood, and Yeaman—54.

So the amendment was agreed to.

During the vote,

Mr. ROBINSON asked leave of absence for his colleague, Mr. J. C. ALLEN, for two weeks from Monday next.

Leave was granted.

Mr. RADFORD asked for leave of absence for Mr. WINFIELD for a week from to-day.

Leave was granted.

Mr. JOHNSON, of Pennsylvania, stated that his colleague, Mr. COFFROTH, was detained from the House by sickness in his family.

The vote was then announced as above recorded.

The Senate amendment as amended was then concurred in.

The next amendment of the Senate was read, as follows:

And be it further enacted, That the same premium shall be allowed for each colored recruit now mustered or hereafter to be mustered into the service of the United States as is or shall be allowed by law for a white recruit: *Provided*, That the Secretary of War shall give his assent to the same.

Mr. STEVENS. That is in another bill.

The amendment was non-concurred in.

Tenth amendment:

SEC. 6. *And be it further enacted*, That the enlistments hereafter made in the regular Army of the United States during the continuance of the present rebellion may be for the term of three years.

The amendment was agreed to.

Eleventh amendment:

Add to the title of the bill the words "and for other purposes."

The amendment was agreed to.

The SPEAKER. The amendments of the Senate are all disposed of.

GAS-LIGHT COMPANY OF THE DISTRICT.

Mr. FENTON. I ask unanimous consent to introduce, for the purpose of reference merely, a bill to extend the time for opening the books of subscription to the capital stock of the Union Gas-Light Company of the District of Columbia, and for other purposes.

Mr. DAWSON objected.

Mr. DAVIS, of Maryland. I move that the House take a recess until half past seven o'clock this evening, for debate only.

Mr. COX. I move that the House adjourn.

The motion was not agreed to.

The motion of Mr. DAVIS, of Maryland, was agreed to.

The House accordingly took a recess until half past seven o'clock, p. m.

EVENING SESSION.

The House resumed its session at half past seven o'clock.

THE REBELLIOUS STATES.

The SPEAKER. The House resumes the consideration of the bill in regard to the rebellious States, upon which the gentleman from Pennsylvania [Mr. THAYER] is entitled to the floor.

Mr. THAYER. Mr. Speaker, our experience, in the solution of the political problems which have arisen out of the war, should teach us at least this lesson, that however great at first sight may appear to be the difficulties which confront us, a wise, prudent, and patriotic use of the powers delegated by the people of the United States to the national Government is sufficient to overcome them. When the war broke out, we were immediately encompassed by a multitude of new, strange, and difficult questions, all of them growing out of the peculiarities of a political system for the most part new in the history of man, and for which no exact precedent or parallel had existed in the experience of the world. This system rested upon a written Constitution at once so complex in its structure, yet so simple in its practical operation, that to this day it has not ceased to perplex the statesmen and politicians of the Old World, who, accustomed to more arbitrary forms of government, were unable to comprehend entirely a system presenting all the features of a great and powerful nationality, yet embracing within itself, for the purposes of local government, thirty-four subordinate States, each with its three departments of government modeled in exact accordance with their great pattern, and all, until the rebellion, moving in harmonious action with the supreme national sovereignty, and sending to it, as rivers send to the sea, their combined strength and power. Sir, the history of the human race does not exhibit any monument of ingenuity at all comparable with this great framework of American political society, which, notwithstanding its magnitude, the extent of its operations, its complicated arrangements, and the greatness of the resources it commanded and of the power it wielded, yet rested upon the shoulders of the people as lightly as the atmosphere which they breathed. It was a law of necessity that when traitors applied the torch to a portion of this great and beautiful structure, much ruin should ensue, and that much perplexity should be felt in putting out the conflagration which their disappointed ambition had kindled, and in rebuilding the waste places which their insane fury had destroyed. When the ruin is repaired, and the edifice rises again before the eyes of the nations in renovated splendor, the loyal people of this country will demand that those persons shall not again pass its protecting portal or enter its sacred precincts until they are purged of their treason, have cast off their political vices, and given bonds for our future security.

From the beginning it was apparent that there existed in this country a school of politicians whose principles were hostile to the perpetuity of our system, and whose favorite dogma of State sovereignty was absolutely inconsistent with the existence of the national Government. The baneful influence of these principles was foreseen by the great men who were principally instrumental in the formation of the Constitution and who labored to protect it against them. Therefore it was that Hamilton declared: "A national Government ought to be able to support itself without the aid or interference of the State governments, and therefore it is necessary to have *full sovereignty*." And therefore it was that Madison exclaimed: "I am for a *national Government*, though the idea of Federal is, in my view, the same;" and on another occasion when he declared, "I apprehend the greatest danger is from encroachment of the States on the national Government. This apprehension is justly founded on the experience of ancient confederacies, and our own is proof of it." Therefore it was that the fathers of the Republic in making a Constitution, made, as the result of this war will demonstrate, not a league between States, but a Government for the American people; a Government which exists not by the consent of the sections but by the will of the majority of the whole people; which makes laws not for States but for a nation, and whose authority passes over State lines with as little notice of them as the winds which blow across them. The idea of State sovereignty as understood by the school of politicians referred to is fundamentally opposed to the Constitution of the United States, and as inconsistent with it as the proposition that in the material world two different substances can occupy in space the same position at the same time.

But from the foundation of the Government to the present time this pestilent heresy has notwithstanding had its disciples and propagandists. When the Democratic party, in the convention of 1850, adopted the resolutions of 1798, which affirmed the right of a State to interpose its authority against the acts of the United States, (which is the very germ of secession,) it became apparent that the time must come when this false principle must grapple in deadly conflict with the true theory of the Government, and one or the other of them perish in the encounter. That time has come, and the war which now desolates the land is the legitimate offspring of this pernicious error. I know, sir, how much the abominable institution of human slavery had to do with the origin of the war. I know that in our present miseries we but realize those fearful apprehensions expressed by Mr. Jefferson in his Notes on Virginia, when he exclaimed, "Indeed, I tremble for my country when I reflect that God is just." Slavery was undoubtedly the proximate cause of the war; nevertheless it was only its foster-mother. It was born of State sovereignty, though suckled into strength and vigor by this monster of cruelty. Indeed the parent itself was chiefly indebted to the same sustenance for the danger-

ous proportions to which it grew, for slavery encouraged and exalted it as the necessary bulwark of its own existence. Hence in the southern States this doctrine of State sovereignty has for the last thirty years been a favorite idea, and has come to be a principle so generally believed in that the people of those States have not hesitated to cast off their allegiance as they would a worn-out garment, and at the command of a few political demagogues to precipitate the country into the horrors of the present civil war.

The growth of this idea in the southern States kept pace with the rapid corruption of the public sentiment upon the subject of slavery. As slavery was at first humble, then apologetic, then respectable, then justifiable, then necessary, then a blessing, then divinely appointed, then ambitious, then aggressive, then domineering, then insulting, then rebellious, so the doctrine of State sovereignty was at first a political theory, then an active principle, then a political dogma, then a party war-cry, then a conspiracy against the Government, then a usurping power, then an armed rebel and public enemy. As slavery impaired the moral sense of the people so State sovereignty corrupted their political faith; and their combined influences destroyed their loyalty to their country and drove them into the desperate war which they now wage against it. Both evils must be forever exirpated before the country can enter again upon a career of permanent peace and prosperity. The bill now before the House, while it aims to extinguish forever one cause of the existing rebellion, has for its chief object, as I understand it, the vindication of the national authority and the assertion of its perpetual sovereignty; and for this reason should command the support of every man who believes in human liberty and desires that his children should not be left without a country, without a Government, without a future.

The extraordinary subserviency of the Democratic party of the North to the pro-slavery doctrines of the South, and the controlling power which the representatives of the latter obtained over the former—a power which was a reproach to free labor and a scandal to the principles of democratic Government—were mainly attributable to the assiduity with which southern politicians propagated this destructive doctrine of State sovereignty, and its final adoption by the Democratic party. Having committed itself to this fatal heresy, it followed blindly the path of its southern leaders until in the beginning of the year 1861 its northern adherents found themselves standing upon the edge of rebellion and civil war, and invited by those who had led them thither to descend into its fiery gulf. The deceived and betrayed masses who had followed its fortunes in the North drew back with horror and declared their determination to maintain the integrity of their country at all hazards; but even then, in that hour of supreme agony in which the destinies of the country trembled in the balances of fate, the recreant voice of their President was heard reasserting this false doctrine amid the recent ruin which it had made, and declaring that the Constitution conferred no power upon the Government to coerce "a sovereign State."

Sir, no power of language at my command can fitly describe the great treachery which was then committed against the American people, and I forbear, for the man, although he still moves among living men, has really passed away. Dante, in his journey through hell, relates that as he passed through that dismal region, in which he beheld traitors frozen up in swathes of ice, their eyes incrusted with their frozen tears as in a crystal visor, he met the friar Alberigo. "What!" exclaimed Dante, "art thou no longer, then, among the living?" "Perhaps I appear to be," answered the friar, "for the moment any one commits a treachery like mine his soul gives up his body to a demon who thenceforward inhabits it in the man's likeness. Thou knowest Branca Doria who murdered his father-in-law, Zanche? He seems to be walking the earth still, and yet he has been in this place many years." "Impossible!" cried Dante; "Branca Doria is still alive; he eats, drinks, and sleeps like any other man." "I tell thee," returned the friar, "that the soul of the man he slew had not reached that lake of boiling pitch in which thou sawest him ere the soul of his slayer was in this place, and his body occupied by a demon in its stead."

The loyal people of the North of all parties rejected with scorn the proposition that the Government of the United States had no power to compel obedience to its laws, and to preserve itself from disintegration and destruction. The answer of the people was like the roar of many waters, revealing the fact that the instinct of nationality was as deeply seated in the hearts of the American people as that of life and self-preservation in the bosom of human nature. The doctrine of State supremacy, culminating as it did in treason and rebellion, was exhibited in all its monstrous deformity, and people who had watched its tendencies and reflected upon its disastrous consequences began to hope that from the North at least it had disappeared forever. But as the war progressed, and party spirit, freed from the temporary paralysis which it had suffered, began again to display itself, with it reappeared the old enemy of our national existence, and this pernicious doctrine is now, and for the last two years has been, the chief weapon in the hands of the party opposed to the Administration with which it carries on its opposition to the measures which are necessary for the successful prosecution of the war.

This was their principal argument against the conscription law; and I cannot better illustrate the subject than by a brief reference to it. Their desire to make use of their favorite dogma of State sovereignty against that measure led them into the greatest absurdities. No proposition can be plainer than this, that every citizen owes military service to his country, if it be necessary to defend it against foreign invasion or internal rebellion. From the times in which the Roman consul or prætor was accustomed every year to assemble in the Campus Martius all the citizens who were bound to participate in the formation of the four legions which they annually raised, down to the present time, this principle has been held by every organized political society. The works of Montesquieu, Puffendorf, Grotius, Locke, Vattel, and all the writers on Government perfectly attest it. Indeed no nation can permanently exist without it. Carthage alone among ancient States disregarded it, relying for support upon levies drawn from Africa, Spain, Gaul, &c. The penalty she paid for it was, as every school-boy knows, the loss of her liberty and her existence. The duty of personal military service by the citizen to the State is recognized by the constitution of almost every State in this Union. The raising of armies by compulsory draft was a thing perfectly well known in the history of the several States and of the Revolution. The plan of General Knox, Secretary of War, submitted to Congress by General Washington in January, 1790, contemplated as liable to service all persons between the ages of eighteen and sixty; and stated explicitly that "every man of the proper age and ability of body is firmly bound by the social compact to perform personally his proportion of military duty for the defense of the State." (7 Niles's Register, p. 296.) Here is a contemporaneous construction of the Constitution adopted by General Knox, and approved by General Washington.

Rhode Island was the last State which ratified the Constitution. On the 29th May, 1790, their convention proposed certain amendments to the Constitution, one of which was as follows:

"No person shall be compelled to do military duty otherwise than by voluntary enlistment except in cases of general invasion, anything in the second paragraph of the sixth article of the Constitution, or any law made under the Constitution, to the contrary notwithstanding."—*Elliot's Debates*, 371.

Another contemporaneous exposition, the force of which cannot be depreciated. On the 17th October, 1814, Mr. Monroe, then Secretary of War, with the approbation of Mr. Madison, proposed to Congress a plan for a compulsory draft, (7 Niles's Register, 137,) which no doubt would have been adopted and carried into effect had not peace soon ensued thereafter.

Indeed, I believe there is but one American document which can be cited as authority against the power of Congress to compel military service by a draft; and that is the resolution of the Hartford Convention in 1815. (7 Niles's Register, 307.) Yet, in the face of history, in the face of the express grant of power in the Constitution, and of the construction, both contemporaneous and subsequent, of that grant, and in the face of the solemn decision of the Supreme Court of the United States in Gibbons *vs.* Ogden, (9 Wheaton, 196,) that all the powers vested by the Constitution in Congress are complete in themselves, and may be exercised to their utmost extent, and that there are no limitations upon them except such as are prescribed in the Constitution, we have heard gentlemen upon the other side of this House, day after day, denouncing the draft as an invasion of State sovereignty. Are they ignorant of the history of their own country and of its public men? If not, they must be aware that Mr. Calhoun himself—to them *haud ignobile nomen*—advocated the proposition that Congress should raise an army by a draft, expressing his views upon that subject in his speech in the House of Representatives January 31, 1816, on the motion to repeal the direct tax, as follows:

"Although militia freshly drawn from their homes may in a moment of enthusiasm do great service, as at New Orleans, yet in general they are not calculated for service in the field until time is allowed them to acquire habits of discipline and subordination. *On land your defense ought to depend on a regular draft* from the body of the people. You will thus in time of war dispense with the business of recruiting, a mode of defending the country every way uncongenial with our republican institutions. I know that I utter truths unpleasant to those who wish to enjoy liberty without making the efforts necessary to secure it. Her favor is never won by the cowardly, the vicious, or indolent."—*Calhoun's Works*, vol. 2, p. 146.

Some of the most violent of the denunciations of that measure have come from gentlemen upon the other side of the House from the State of New York, commencing with the gentleman from the fifth district of that State, [Mr. FERNANDO WOOD,] who stigmatized the war for the preservation of the Union as a "hellish crusade of blood and famine," and ending with the gentleman from the thirteenth district, [Mr. STEELE,] who in his recent speech upon the national currency bill made the measure referred to the subject of fresh attack, denouncing it as odious, unnecessary, and oppressive, and as calculated to subvert the liberties of the people, and centralize power in the General Government.

Have these gentlemen forgotten the history of their own State? If they have not, they must remember that the first constitution of New York, made in 1777, declared "that it is the duty of every man who enjoys the protection of society to be prepared and willing to defend it." They must also remember that during the second war of independence, Mr. Van Buren introduced into the Senate of that State a bill to raise twelve thousand men by drafting, to be placed in the service of the United States, which after being amended became a law on the 24th October, 1814. It was stigmatized as a conscription bill by the opposition of that day, but it was approved by Governor Tompkins—who was twice elected Vice President of the United States—and sustained by the judges of the Supreme Court. Nor can I suppose them to be ignorant of the fact that the laws of the State of New York expressly recognize the constitutional right of the national Government to raise an army by a draft; the act of 1854, passed before the war, enacting that "all able-bodied white male citizens between the ages of eighteen and forty-five years, residing in this State, *not exempted by the laws of the United States*, shall be subject to military duty," (Act 1854, ch. 398, tit. 1, sec. 1, 1 Rev. Stat., 715,) and the same act requiring the assessors to include in their assessment rolls the names of all persons between the ages of eighteen and forty-five years "*liable to be enrolled by the laws of the United States*," (*Ib.*, 723,) and the same act yet more plainly declaring that "whenever the President of the United States or the Commander-in-Chief *shall order a draft* from the militia for the public service, such draft shall be made in the following manner," which manner is then expressed. (1 New York Rev. Statutes, 744.)

But, Mr. Speaker, I must beg pardon of the House for this digression in regard to the conscription law. My object in it has been to show the errors and absurdities into which men are driven by this phantom of State sovereignty. It might be illustrated by reference to the opposition which has been made to other measures of great importance, especially by that made to the national currency bill, which many intelligent gentlemen upon this side of the House refused to support unless the capital of the national banks should be subjected to State taxation, which, to say noth-

ing of the inequality which such a provision would introduce, would place the very existence of institutions created by the national Legislature and intended to be entirely under its control and regulation at the mercy of political parties in thirty-four different Legislatures. Indeed, scarcely any national measure of importance can be started here that is not destined to be fatally crippled in its usefulness or absolutely turned into stone by this Medusa's head. The cry of centralization and consolidation is raised by shallow minds against everything of an exclusively national character which originates here. From a certain school of theorists and politicians this is to be expected. Their political cogitations revolve upon an axis but have no orbits. The axis is State sovereignty, around which they spin continually but make no progress. Sir, the people of the United States have by their Constitution made themselves a nation, and such, by the blessing of God, they intend to remain. It is time that their Representatives should comprehend this great fact. There is in this country but one sovereignty. That resides in the people of the United States in their collective capacity; and of that sovereignty there is but one organ, and that organ is the Government of the United States, consisting of its three factors, Congress, Judiciary, and Executive.

If any one shall ask what this discussion has to do with the present measure before the House, I answer, much. For in this great fact, that in the national Government alone is deposited the sovereignty of the people, lies the solution of the difficulties which lie in our path in rebuilding that portion of our inheritance which the rebellion has laid waste. The powers delegated by the people of the United States to the national Government are sufficient for the great work we have before us.

That the time has come in which Congress in the exercise of the great powers conferred upon it by the people should settle and authoritatively declare the terms and conditions upon which the people of the rebellious districts should be restored to their State privileges and resume their just relations to the national Government does not admit of doubt. Large portions of territory have been wrested from the rebellion. Order, law, and the national authority must be reëstablished in those regions. The people who inhabit them, or at least such of them as are willing to return to their allegiance to the United States and to acknowledge its sovereignty and obey its laws, should be restored with the least possible delay to the privileges of representative Government. Humanity demands this; the pacification of the country demands this; the principles of our political system demand it; justice, expediency, and the welfare of the whole country alike demand it. Passing events admonish us that we can no longer delay the exercise of our powers in this respect without justly subjecting ourselves to the charge of neglecting both our own duty and the highest interests of the people. Here alone resides the power. Congress alone can enact the laws which are to reconstruct the political societies in which the fundamental principle of loyalty to the national Government and obedience to its laws and respect for its authority have been obliterated by the violence of rebellion. The President of the United States cannot enact these laws, and it is in my opinion a reproach to Congress that by its inaction up to the present time it has rendered it necessary that the national Executive should be obliged by a sense of obligation to the public welfare to resort to temporary expedients for the preservation of public order and the assertion of national supremacy in those districts and States which the valor of our soldiers has redeemed from the insulting domination of the rebel army.

With regard to what has been done, the pressing necessities of the case demanded executive action in the absence of action here. The President would have violated his obligations to the country if he had neglected to reëstablish the authority of the United States in the regions which have been recovered from the public enemy, and to restore to the people of those regions the protection of the United States, and of a temporary government administered by those who represented its authority and would see that it was enforced and respected. What has been done in that respect by the President I believe to have been well done, wisely done, and patriotically done, and to have been demanded alike by the necessity of the case and for the welfare of the Republic. But it is the duty of Congress to put an end to the necessity which existed for executive action, and by the exercise of that exclusive authority over the subject which belongs to it by the Constitution to relieve the Executive Magistrate as speedily as possible from any further action or responsibility in the matter. To us, and to us alone, belong the duty and the responsibility of declaring the terms upon which the communities which have revolted from the United States, and which have by the success of our arms been again subjected to its authority, shall be restored again to the privileges and immunities which belong to American citizens. To us alone belongs the making of the laws which are to accomplish this great object, and which are to place upon secure foundations the future authority and prosperity of the United States. Let us no longer delay the performance of this great duty, but enter upon it with a determination so to build that this great house of freedom shall not again be undermined or shaken by the evil influences which have caused the present disaster.

Sir, we have heard much said upon the question whether the rebel States are now in or out of the Union. Much ingenuity and many arguments have been expended upon it. But in my judgment such discussions are as useless as those in which some ancient lawyers have indulged in their efforts to determine where the remainder is in case of a lease for life remainder to the right heirs of J. S. then living; whether it is in abeyance, *in gremio legis*, or *in nubibus*. There are well-founded objections to its being in either place, and so there may be to any direct answer given to the question with which gentlemen have exercised their intellectual faculties. This has been a favorite question with the gentlemen who sit on the opposite side of this House, and they have built lengthy arguments and wasted much breath upon the answers to it so obligingly given on this side. If it is answered that the rebel States are in the Union they immediately respond that they are then entitled to all the advantages of that position, and to the protection of the Constitution, and that their State organizations have been unaffected by the rebellion. If it be answered that they are out of the Union they immediately demand by what authority, then, we can treat them as rebels. It matters not in either case that the conclusion drawn is based upon a bald and familiar fallacy. In both cases the answer is alike favorable to their friends.

Whatever difficulties such minds may have in regard to the present condition of the rebel States, this much is plain to all who deny the right of secession and who believe in the right of the people of the United States to preserve their Government from destruction and their country from dismemberment, namely, that both the territory which has been subjected to rebel control and the people who inhabit it are lawfully subject to the authority of the United States, and must be made to respect and obey it. The question before us is, in what manner and upon what conditions the people of those States may, as rapidly as by the blessing of God upon our arms the national sovereignty is reëstablished in those regions, be restored to the right of self-government and of representation in the national Legislature.

That in doing this it is our duty to adopt such safeguards as may be necessary to protect the country against future outbreaks of a similar character, to insure permanent peace and tranquillity, and to settle upon secure foundations the authority of the national Government, would seem to be a proposition too clear for debate. If we neglect these precautions we are false to the great trust which the people have reposed in our hands. Much has been said from time to time in regard to the subjugation of the South, and it has been made the theme of much party clamor. But I am not aware that either the Government or any one else has proposed more in this respect than to reëstablish the authority of the United States in that portion of its domain, and to exact such conditions from its people, as preliminary to their restoration to the full rights of citizenship, as may be necessary to the safety of our republican system. These conditions are to be prescribed by the representatives of the people, assembled in the Congress of the United States. If to be restored to the national protection, to be subjected to the national authority, to enjoy the privileges of American citizenship and the blessings of representative government, upon conditions entirely compatible with personal and political liberty, but involving unqualified allegiance to the supreme authority of the Union and the total extirpation of the very root of the rebellion—if this be subjugation, then they must pass beneath the yoke.

To reward the perpetrators of this great crime against civil liberty by welcoming them back to the Union without securities for the present or pledges for the future; to place the destinies of the country in the hands of their representatives without any safeguard against the repetition of the treason which has desolated the land with fire and sword, which has created burdens under which our posterity must toil for generations, which has filled a continent with groans of anguish, and made our sufferings the jest and mockery of every despot in the world—this would indeed be a folly unequaled in the history of time, a crime against the living and the dead. Every soldier who has given his life for this great cause, from Big Bethel to Gettysburg, and who died that his country might live, would upbraid us from his heroic grave for an infidelity so great as this. No, sir. They who have at such great cost saved the present demand that we should make the future secure. All the sufferings and sacrifices of the past, all the struggles of the present, all the hopes of the future implore, nay, demand of us that as the rebel armies are forced back, and the territory of the Union is reclaimed from the rebellion, such conditions shall be imposed and such measures enacted that the peace which is attained shall, in its glory and its permanency, be proportioned to the self-devotion, the sufferings, and the heroism by which it was achieved. If we fail in this we fail alike in our duty to our country and our gratitude to those who have saved it from disruption, debasement, and perpetual war.

Upon what conditions, then, if successful in the present struggle, must we insist, as preliminary to the reorganization of local governments in the rebel States in accord with the Government of the United States? There are three which in my opinion are indispensable to our self-respect and our future security; and it is because these three conditions are contained in the bill now before the House that I shall give it my support, content to abide by such alteration in the details of the measure proposed as Congress may in its wisdom see fit to adopt, while these conditions, which I regard as the essential features of any plan for the restoration of the rebel States to their proper position in the American Union, are preserved:

1. Any governments there organized must be based upon the principle of unconditional and perpetual loyalty to the Government of the United States, subordination to its power, and submission to its Constitution and laws.

2. The institution of slavery in those States must be totally extirpated and forever prohibited by their fundamental law.

3. Compulsory repudiation of the rebel debt.

The local governments in the rebel States have been violently driven from their natural and proper orbits and brought into destructive collision with the national Government around which they have heretofore peacefully revolved. All their powers and resources have been perverted from their true purposes and concentrated in the unnatural war which they have waged against the Government of the United States. The prosecution of that war has been the chief object of their legislation for the last three years. They have attempted not only to break that bond of eternal allegiance which bound them to the General Government, but to substitute for it an alliance with another and hostile government, the creature of their own treasonable revolt, and supported it by their governors, their representatives, their judiciary, their supplies, their money, and their men. They have in their legislative acts, in the proclamations of their governors, in the judgments of their courts, by every public officer in their service, and by every function at their command, forsworn their allegiance to the United States, banished its officers, seized its property, reviled its sovereignty, and made war upon its loyal citizens. Every officer, civil and military, in their service is a sworn enemy of the United States.

Are governments constituted in this manner, thus administered and thus officered, to be received into the bosom of the Union, unwashed of their great crime and prepared to commence again upon the first favorable opportunity their schemes of disunion and civil war? Have all the sacrifices to which we have submitted been made for this? Is it for this that our soldiers have shed their blood and given up their lives upon a hundred battle-fields which their courage and constancy have made immortal? Is it for this that we have submitted to foreign insult, to domestic feuds, to domestic sorrows, to pecuniary distress and all the cloud of horrors through which we have passed? History presents no example of a political blindness and infatuation greater than that which such a course of action would involve. The safety of the country, its future repose, the continuance of the Union, and the firm establishment of our political system imperatively demand that in the reorganization of local governments in the rebel States the foundations of such governments must rest upon the principle of submission to the Constitution and laws of the United States. This must be the chief corner-stone of the whole structure. Any other will be but a foundation of sand, which will again imperil the whole fabric of American liberty.

In order to accomplish this effectually this principle must be incorporated in their organic law and assume the character of an authoritative declaration by the people themselves. The seventh section of the bill now before the House contains a provision for this purpose, and is in my opinion a necessary condition of any plan for the proposed object. It is also necessary to guard the elective franchise and the privilege of holding office in those States against the intrusion and treachery of all who have in any sense been leaders in the present rebellion. For this purpose prudence requires that all who have held office under the pretended rebel government should be excluded from these privileges. It does not, however, appear to me to be necessary to exclude *all* who have held office under the State governments. The chief officers of those governments, such as governors and other high officers, all of whom have been chief actors in the rebellion and have promoted it by every means in their power, should be excluded; but I do not believe that either necessity or sound policy requires the exclusion of the large number of ministerial subordinates who have participated in the administration of local affairs, who have not been leaders of the rebellion, and who are willing to return to their allegiance to the United States.

I would not increase unnecessarily these restrictions. I would not extend them one whit beyond what is absolutely required for the public safety. I for one am willing to extend to the people of those States, upon their returning to their allegiance, every benefit and of restoring to them every right which is consistent with the permanent reestablishment of the authority of the United States. It is our duty, in my opinion, to make the path to this object as easy as possible. Any such path, containing the necessary conditions for this purpose, will to most of them appear at first rugged and humiliating. This is the necessary result of their failure to overthrow the Government of the United States. But it would appear to me to be wise and just and humane and politic to place no unnecessary difficulties or obstacles in the way of an early and complete pacification of the whole country. For these reasons I would prefer to see some modifications of this feature of the seventh section of the bill. I believe that every essential purpose would be answered by excluding from office and the elective franchise all officers of the pretended confederacy, and such high officers of State, under the local governments, as have been chiefly instrumental in aiding and abetting the rebellion. To all other classes of the free male white population of these States I would confidently surrender the privileges of the elective franchise and the same rights of citizenship which we ourselves enjoy, upon their laying down their arms and returning to their true allegiance. Nothing, I believe, could be further from the wishes of the people of the United States than to deprive the masses of the southern people, who are willing to return to their allegiance to the Government of their fathers, of one solitary right which they themselves enjoy.

The compulsory repudiation of the rebel debt, by which I mean all debts of the pretended confederate States and State debts contracted solely for the prosecution of the war against the United States, is a measure which, in my opinion, is demanded on the part of the United States, if successful in the present struggle, not only by a just self-respect, and as a proper and necessary vindication of its own sovereignty, but in order that it may remain a lasting monument of the wickedness and folly of the present rebellion. It is also a just and merited punishment to be inflicted upon those who have lent substantial aid to the rebellion; and it has the further merit that it reaches with its retributive justice those foreign speculators in our sufferings who, at a safe distance, have wickedly connived at, encouraged, and aided in the attempt to break in pieces our nationality and to destroy our free institutions. This feature of the bill meets with my entire approval. I would, not, however, in doing this unsettle any State debt which may have been contracted for the purpose only of carrying on the civil affairs of the State, and which had not for its object the prosecution of the war or the strengthening of the pretended confederacy. I would therefore prefer to see the third condition specified in the seventh section of the bill so modified that it should declare that no debt of the pretended confederate States, and no debt contracted by the State for the purpose of prosecuting the war against the United States or of giving aid to its enemies, shall be recognized or paid by the State.

That slavery must, as a necessary consequence of this war, forever disappear from the American Republic I believe to be a conclusion long since reached by a large majority of the loyal people of the United States. So far as relates to the border States, which have nobly stood by their allegiance to the national Government, I am not in favor of any interference with it, because under our present Constitution we have no such right of interference, and honor and duty alike require that we should refrain from such interference. I am in favor of leaving to the people of those States the entire control and management of this question. I fully believe that they will find it for their interest and welfare at no great distance of time to make their institutions in this respect correspond with those of the free States. The recent action of the people of Maryland upon this subject, by which, on the 6th day of April, they declared themselves by a large majority in favor of immediate emancipation, and forever destroyed the political significance of Mason and Dixon's line, gives assurance, I believe, of what will be the ultimate action of the people of all the border States in reference to this matter. But however this may be, I regard it as a question entirely for themselves; and while the Constitution remains as it is and they adhere steadfastly to their allegiance I believe it to be our duty to abstain from any interference except it be at their own request by way of aiding them in the great reform.

But as regards the rebel States I hold an entirely different opinion; and this leads me to answer the interrogatory of the honorable gentleman from Illinois [Mr. J. C. ALLEN] when he asks from whence Congress derives the power to frame these provisions and to dictate what shall be the character of the constitutions and laws of those States. It is certainly a most singular and extraordinary doctrine which seems to be held by some members of this House, including the gentleman from Illinois, that the people of the States who have thrown off all the restraints of the Constitution, who have abjured its ties, and who have for three years waged war for the purpose of overthrowing it, should be entitled to demand its protection while engaged in armed hostility to it. It is as if an alien enemy who has broken and trampled upon all existing treaties should demand in the midst of flagrant war their enforcement in his own favor. Sir, the people of those States have placed themselves beyond the pale of the Constitution. They have no right to appeal to one of its provisions. They are estopped by their own acts from claiming the protection of a single line in that instrument. They have placed themselves toward this Government in a state of war, and we have a right to use against them all powers which we might lawfully use against any belligerent, and among those powers is the right to demand, if successful in that war, whatever conditions this Government may choose to impose for its own safety and security hereafter. This is a part of the law of nations.

By what right did the allied Powers restore Louis XVIII to the throne of France after the defeat of Bonaparte? By what right did Sardinia, more recently, annex Lombardy to its dominions after the defeat of the Austrians at Solferino? It belongs, sir, to the successful belligerent to dictate the terms of peace; and when those terms are not only consistent with humanity but imperatively demanded for our own security, who shall arraign us for demanding them? By the laws of war we have the right to emancipate the slaves of our enemies, and by the law of nations we have the right to demand of a defeated belligerent such changes in his own political condition as are necessary for our own protection. These are principles which have been declared and acted upon by all nations. They are principles which have been substantially asserted by the Supreme Court of this country in its decision in the prize cases. (2 Black's Rep.) They are principles which are now, for the first time, contravened in argument here. Nay, they are principles which are acknowledged and publicly avowed by the rebels themselves. Yet we are told here that the Government of the United States has no right to impose conditions upon people who have taken up arms and waged relentless war against it; who have invaded their territory and captured their ships upon the high seas. Away with such sophistry and such empty subterfuges. The people of the rebellious States have, in the language of the Supreme Court, in the case to which I have referred, "cast off their allegiance and made war on their Government, and are none the less enemies because they are traitors." If they are enemies, then we have as regards them all the rights of enemies, and among these rights none is better established than the right, if we are victorious, to dictate such terms as regards their future political condition as may be necessary for our own safety and tranquillity.

But if the gentleman is really anxious to find in the Constitution an express warrant for our proposed action he may find it not only in that clause which declares that the United States shall guaranty to every State in the Union a republican form of government, and shall protect each of them against invasion, but he can draw it also from that great reservoir of powers in the first article, which gives to Congress the right to make all laws which shall be necessary and proper for carrying into execution all powers vested by the Constitution in the Government of the United States, or in any department or officer thereof; for among those powers is a power to require the laws to be faithfully executed, and if the laws of the United States cannot be faithfully executed in those revolted districts without these fundamental changes in their condition, which changes we have also by the laws of war the right to impose, let the gentleman upon this ground satisfy his cravings for constitutional authority and vote for this measure, which is necessary, not only for the continued and peaceful execution of the laws, but also necessary in order to preserve a perfect Union, to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

[Here the hammer fell.]

Mr. HOLMAN. Mr. Speaker, I move that the gentleman from Pennsylvania have permission to proceed with his remarks.

The SPEAKER. The Chair hears no objection. The gentleman from Pennsylvania will proceed.

Mr. THAYER. Mr. Speaker, the voice of the people of the United States cannot be mistaken. They demand of us, their Representatives, that the institution of human slavery which has from the beginning been our national reproach, the fruitful source of sectional enmity and strife, the obstacle to the development of one half of our territory, the secret enemy which has for seventy years sown our vineyard with tares and brambles, which has alienated brethren of the same blood, which has proscribed education, fomented discord, encouraged opposition to our republican system, weak-

ened the ties of national allegiance, and at last arrayed itself in bloody war against the Government, shall be forever blotted out in the rebel States, and that upon its ruins shall be written a legend like that which indignant France wrote over the gateway of rebellious Lyons, "Slavery made war upon the Republic; slavery is no more!" They demand this as the right of war against the public enemy. They demand it in the name of that very Constitution which is sought here to be made its shelter and its shield. They demand it as the only adequate compensation for the sacrifices which they have made and the sufferings which they have endured. They demand it in the name of liberty and humanity. They demand it as the only pledge of future union and tranquillity. They demand it for their own peace and safety and for the repose and security of their children. Already its grim and terrible form, weakened by its wounds, begrimed with the dust of battle, and covered with the blood of brave men which has been shed in this sanguinary war, cowers and reels before the banners of the Republic. As it falls let it hear ringing in its ears the decree for its extermination pronounced here by the Representatives of the people.

Sir, I rejoice that I shall be able to say, when I go home, to my constituents, that whatever differences of opinion in regard to public affairs may prevail among the members of this House, I believe that those among them who are not true and loyal to their country at this critical moment of its existence are few in number and insignificant in influence. Greater responsibilities never rested upon the representatives of a free people than those which weigh upon us. If we perform the sacred trust which has been confided to us, with courage and fidelity, we shall receive the thanks of a grateful people, and will not be unremembered in that bright and happy future when our vast and fertile country, stretching from sea to sea, and from the frigid to the torrid zone, with her millions of rejoicing people, shall come forth from her present trials, purified and strengthened by the terrible ordeal, and put on her garments of peace again. When the storm-clouds of the present disastrous time shall have cleared away, and our country shall emerge from them clothed with new vigor, with renewed strength, and with indestructible unity, History will take up her pen, and, in the clear sunshine of that proud and prosperous day, record on her enduring tablets the names of those who were true to its liberty, its unity, and its glory. And she will also, I am compelled to add, at the same time write in her eternal record the severe and unalterable verdict of posterity against those who, without the excuse of passion or the temptation of self-interest, abandoned in the moment of her most imminent and deadly peril the country which gave them birth; who derided her great struggle for self-preservation; who would have struck from her hand the sword which she had drawn to protect her honor and her life; who sympathized with her foes, and gave them moral if not material aid; who contemplated with unconcern the threatened dissolution of the Government and the country, and whose voices were only heard in this Hall as the echoes of those of her enemies.

Mr. YEAMAN. Mr. Speaker, the bill before us is generally called the reconstruction bill. Viewing it simply in the light of the Constitution, I am unable to see our power to legislate away the laws and institutions of States, though the people of such States be in rebellion. As a measure of policy it seems to me not well to fix in advance an ideal or legislative standard to the measure of which we will feel bound to work in practice, although a restoration might forthwith appear practicable or be sought for on a different plan. Having pledged ourselves to this plan, and the fruits of the plan to those whom it purports to free, are we bound to go to this preadvanced mark, though it be through a sea of our own blood? Viewing it from the stand-point of those who desire universal abolition, it would seem to be idle and premature legislation, because without military success the law is a dead letter, and with military success under the present programme, abolition is accomplished without the law. We present the curious spectacle of legislating for a vast region which our arms cannot to-day penetrate, and while the wager of battle hangs in doubt. Here I might stop. But as we are trying to mend the Government, I propose to inquire what ails the Government, and the result of the inquiry will be to show that there is and can be no reconstruction without a more thorough and fruitful military success than has yet crowned our arms; that we as a people must come out of this contest with a new and a better political education, an education having for its basis the idea that *we are a nation*, only being careful that the excessive rebound which secession may give the public mind does not absorb all to the nation, and obliterate the idea of local or municipal administrations without which no great empire can exist except as a despotism. It is plain that in this idea of our political situation it is immaterial what becomes of slavery as a form of labor, just so the maelstrom that wrecks it does not also wreck our free institutions. I speak plainly and earnestly about the first necessity of our political salvation. I mean the success of our arms. Without that we have lost the prize at stake in this great game. With that, so we carry the Constitution with the sword, reconstruction or restoration will come without any bill of forms and conditions for that purpose. *Government* will spring in full-grown beauty from the American mind like Minerva from the head of Jupiter, so soon as that mind can work free of rebel compulsion, and sees that it must work in the precincts of the Union. It hardly needs argument to show that we retard the formation of that Government, and increase the measure of blood it must cost by prescribing in advance any other conditions for it than that it must be republican in form. Moreover, I deem it not unfair to regard this bill as a link in the great legislative system embracing enlistments, emancipation, confiscation, bounty lands in the South, and that political status of the negro pointed to by the Senate bill regarding this District, and the recent bill regarding negro suffrage in Montana Territory.

I propose then, as being germane to the subject, to discuss the origin, progress, and consequences of our present troubles in the light of our institutions, more especially of democracy, African slavery, and the relation of the States to the national Government, and in the light of the great contests of parties which mediately and immediately preceded the outbreak. However remote some of these may appear, their connection is continued and regular if not direct. We are too much in the habit of considering great events by themselves, or at most only in relation to those causes visibly and presently connected with them, and often fail to discern the real causes of a great social or political revolution by failing to look far enough into the past, or deep enough into our own nature and consciences to find them. Great changes in the habits or institutions of men, though sometimes suddenly developed, are never suddenly or slightly caused. There are conspirators and leaders in all civil commotions, but men are not foolish, or unjust, or tyrants by whole populations, and we should accept some explanation of any great popular movement or convulsion more creditable to human nature than the universal falsehood or insanity of our kind. An earnest disciple of a well-known school in our politics believes in the divine ordination of servitude and the right of State secession as profoundly as the disciple of other schools believes that all men were created equal, and that the Constitution is the framework of a nationality. A fervent soul at Paris in 1791, or at Washington in 1864, confounds perfect equality with pure liberty, and then as if to deny inequality a place in all the universe, exalts human nature to a par with Deity. One decorated and worshiped a beautiful courtesan as the goddess of reason, that reason which had discovered the human race to be the only sovereign of the universe, and the perfect equality of that race its only rule of action. The latter from the same cause mistakes his theory of human existence for the revelations of divine will, and rejects all laws, human and divine, which mar his theory. It is thus the enthused democrat of the abolition school, without knowing it, makes his politics his religion, and thinks he hates slavery as a sin against the law of God, when his hate is solely because slavery is a refusal of his demand for the perfect equality of an unrestrained cosmopolitan democracy. The proper admixture of democracy and republicanism in our institutions is the highest political achievement of man. Guizot, in his learned History of Civilization, shows that in Europe the tendency is toward the democratic equality of the individual and the concentration or centralization of power in the Government. Paradoxical as this may seem it is true, and no less so in America just now than in Europe for the last three centuries. It has been going on since the Crusades. It has been rapidly developed since the decay of the feudal system, and is to-day the chief feature in the political growths of France, Russia, and England. These tendencies may reach a crisis with us in the progress of the present revolution.

In that admirable work upon our own institutions, by De Tocqueville, it is observed that—

"The advent of democracy as a governing power in the world's affairs, universal and irresistible, was at hand." * * * * * "The gradual development of the principle of equality is a providential fact. It has all the chief characteristics of such a fact; it is universal, it is durable, it constantly eludes all human interference; and all events, as well as all men, contribute to its progress." * * * * * "To others it seems irresistible, because it is the most uniform, the most ancient, and the most permanent tendency to be found in history."

In this he is probably not mistaken. Governments did not begin in democracy, but in tribes, clans, castes, kingdoms, despotisms, and it is against these that "the permanent tendency" of democracy has set its current. While there have been many interruptions in all ages and countries to this general tendency of mankind toward democracy, the *fact* remains that it is ancient, constant, and powerful, if not irresistible. The checks it has received have been as often from its own excesses as from the successes of its rivals, absolutism, "divine right," and *legitimacy* as applied to crowns. Some of the bitterest woes that have cursed the world in politics and in war have followed the convulsive efforts of democracy to abolish too suddenly and too thoroughly the forms, distinctions, and prerogatives to which it is a natural enemy. The idea that it is better for men and Governments wisely to adapt themselves, their institutions and interests, to this majestic tendency of the human mind, this living demand for the equality of democracy, by a judicious accommodation to it, rather than be broken or uprooted in stiffly resisting it, has nowhere been better illustrated than in monarchical and aristocratical England, where the process has been going on for six centuries; in the baptism of fire and blood through which France passed in the attempt to accomplish it in a trice; and in the success of our own system of delegation and balances and checks in which democracy was at once demanded, adopted, restrained, and tempered. In France, where the aspiration had long been pent up and fretted by other traditions and dominant castes, its ebullition was sudden and volcanic, and then, as if alarmed at itself, it nearly as suddenly subsided into a tame submission to the forms it had overthrown. But in again accepting the form of monarchy it did not throw away its ideas, and much of the power of these remains as the fruit of the Revolution. In England the dominant castes have preserved the form of monarchy and aristocracy by slowly yielding to the spirit of democracy, which, by its constant demands, has at length become a chief if not the real governing power in the British empire.

"In the designs of God time appears an element of truth; yet to demand from a single day the definite truth is to ask of nature more than she can afford. Impatience creates illusions and ruins in the place of truth." * * * * "To discover the law of God in society and conform it to the laws of the legislator without forestalling the truth by chimeras and time by impatience—this is wisdom; to mistake the desire for realization, and sacrifice the real to the imaginary and unknown—this is folly. To grow furious at obstacles and at nature, *and to crush whole generations beneath the ruins of imperfect institutions, instead of guiding them in security from one stage of society to another—this is crime.*"

In our own case the question is complicated, and made more difficult to understand and control, by the fact that the democratic tendency is, besides its ordinary political effects, essaying to control the relations between the two *races*, dominant and servient. Our contest appears on the surface to be between a pro-slavery secession and an anti-slavery nationality. The causes are behind both. The currents that clash and contend on the surface receive their impulse from the same internal heat. This struggle is the final development or paroxysm of a disease or tendency of which other matters are only the symptoms. The cause is twofold—*excessive democracy and*

antagonism of race. I use democracy in the European sense of equality, which, as every student knows, does not mean *liberty*. I use antagonism of race to express that instinct of man that speaks on every page of the world's history, sometimes as war, sometimes as expulsion, sometimes as slavery, and sometimes as extermination. If there were but one of these elements at work, the political diagnosis would be more simple, but being combined, sometimes working together and sometimes in opposition, has made our trouble a great mystery. At the North democracy assumes a personal character, demanding the equality in freedom of all men, which has been intensified by the movement in the South to destroy the Government with the view of preserving the inequality of master and servient classes. At the South, democracy, though extreme, assumed a political aspect rather than a personal character, claiming the equality of *each State* with the entire nation, which is now intensified by the attempt of the personal democracy at the North to destroy the relation as it exists at the South. At the North, this element, in its eagerness to attain its ends is running into national centralization, by that massing of power that always comes of earnestness and unity. It does this while maintaining its individuality of effect on persons. The same thing has been done elsewhere, but has always been followed by results which we would wish to escape. At the South, democracy, in its eagerness to resist the same element in a different form at the North, exalts the *State* into an equality with the nation, and plunges into the political death of secession to *break* our nationality, and to *preserve* an inequality which is the foundation of their labor system. At the South, *antagonism of race*, to say nothing of interest, custom, and example, has enslaved the negro. The same influence is much more jealous to keep him enslaved than it was to enslave him, for the freedom of the long-enslaved negro would offend the admitted democratic equality of the individuals of the dominant race. At the North the same element manifests itself differently, and, at first glance, inconsistently with their democratic element. While their democracy demands the dissolution of the relation of master and slave, as being the basis and essence of an artificial or legal inequality which they hate, yet their notorious demand for free territory, free States, "free land and free government for free men," coupled with the legal exclusion of free blacks from many northern States, all of which were manifested before this fight commenced, show this antagonism most conclusively. At a distance from the *slave* they strike the manacles from him; brought into contact with the *negro*, they will thrust him out of their way when his room is needed.

Thus the struggle is affecting not only persons and races, but the whole theory and system of our Government. Let us take a short retrospect. During the revolutionary war, and before we had passed from the condition of a league or confederacy of States to that of a self-constituted nation of people, there were already two parties, two ideas; one the *national*, headed by Hamilton, and the other the *confederate* or *State sovereignty*, headed by Jefferson. The same conflict of ideas and theories was repeated in the Convention in the process of framing the Constitution, in the conventions of the people called to consider its adoption, and in the partisan constructions contended for after it was adopted. The two ideas were coeval with our independence, and seem to have entered as contending elements into the national conception. And when the infant nation was born of the sovereignty of the people, when the Constitution, the covenant of the people, was substituted for the covenant of the States, the theory of the latter survived and grew among men when its reality reposed in the tomb of the "Articles of Confederation."

One marked moral and logical advantage remained with the defenders of the national idea. In the contest for the adoption of the Constitution its opponents warmly resisted it because of its *admitted* nationality, which was denounced as an independent, self-executing, centralized power in whose presence the States could not long survive; and after its adoption these objectors formed the nucleus and the intellect of a party who sought to avoid this once admitted nationality of the instrument by applying, in its construction, a principle which was repeatedly rejected in its formation and adoption. After the establishment of the Government the first well-defined parties were Federalists and Republicans, the former in the main combining the conservative elements of the country, maintaining the nationality of the Government, and adopting a liberal construction to that end. The latter embraced the more democratic elements, particularly touching the relations between the General and State governments, diminishing the former and exalting the latter, and for this purpose adopting a federative construction. The most memorable contest between these two ideas was over the Virginia and Kentucky resolutions of 1798-99, which affirmed the Constitution to be only a compact between the States, who, as such, had no common judge; and that each State had the right to judge for itself of the infractions of the Constitution and of the mode and measure of redress, and to enforce its adverse construction or judgment by the nullification of a law of Congress. Since nullification, to be made effective, must always end in the practical and political independence of the dissenting State, it was a substantial assertion of the right of secession. The word "palpable," as applied to a supposed infraction of the Constitution, did not in the least alter the case since the States were to judge what was palpable. The doctrine was at first indignantly and contemptuously rejected by most of the States; and Mr. Madison, who had espoused these resolutions, in his celebrated report to the Virginia Legislature gave evidence of an anxious desire to explain away the force of that which was in itself indefensible. The founders and framers of the Constitution, and those who had favored its adoption, generally adhered to the Federal or national party. Those who had resisted its adoption upon the ground that it was too national, too centralized, generally adhered to the Republicans and the State right construction. There were two notable exceptions to this. Mr. Madison, who had so much to do in framing and adopting the Constitution, seemed for a while to be troubled with this heresy, though he so clearly and ably exploded it thirty years afterwards, when South Carolina came to act upon it; while Patrick Henry, who had earnestly resisted the adoption of the Constitution upon the ground that its powers were too great, too central, too national, made the greatest argument of his life against those resolutions in reply to John Randolph.

The theory expressed in those resolutions was the fatal blow in our political history. It was the commencement of a process, the adoption of a principle, which, if persevered in, must of necessity end in national disintegration or in an armed contest to establish the nationality of the Constitution and the authority of the Government in lines of blood, that color, unfortunately for man, in which all his greatest and best institutions and his mightiest reforms have been written. The tendency of democracy, under whatever name it acts, is to alter or destroy the existing order of things so far as that order is not expressed in *equality*. The Republicans of the Jefferson school did this powerfully and successfully in regard to the established Constitution in an honest attempt to define and preserve it. They would have the States severally equal to the nation. It was applying to the States that principle of equality which he had applied to persons in the social compact. It was the honest error of a mind more clear and intense than comprehensive.

The next grand division of the people of America into political parties were the organizations known as Whigs and Democrats. In the history, dogmas, and contests of these two great parties there appears the strangest medley of names and principles. The Whigs, who adopted the name of the liberal and progressive party in England and in the colonies, gave a liberal construction to the Constitution, with a view to enlarge the powers of the Government over commerce, manufactures, roads, canals, and the circulating medium, and thus far in the management of the Government were in a certain sense democratic—I mean democratic as to the number of the objects upon which and the extent to which the common Government might use its powers; and yet anti-democratic so far as this constructive vesting of power in the Government would tend to a consolidated mastery by the Government over the people and their interests. As between the States and General Government, on questions of power and jurisdiction, they inclined to the general or national Government; and as that is the one which had, relatively, been losing ground ever since its formation, they were to that extent the conservative party. In the schemes of the Democratic party for the extension and multiplication of the subjects of universal suffrage in the affairs of the State governments, the Whigs generally, though not uniformly, went against the tendency to radicalism and pure democracy, and were in this respect the real conservative party of the country. In their attempt to hedge about executive power in the matter of patronage, limiting it to one term, and refusing it a veto, the Whigs were democratic in their theories, but never succeeded in putting them into effect. Upon the whole they were the conservatives of the country. Their system of interpretation, as compared with that of the Democrats, strengthened the powers of the General Government, but made the application of those powers democratic in regard to the number of the subjects and the various interests of the people to which they were applied, though their adversaries charged with too much plausibility that in the manner of applying these constructive and derivative powers to commerce, manufactures, and currency, they did not promote that equality of condition and privilege which is the leading feature and constant tendency of democracy. But it was in the position they occupied in regard to the relative, concurrent, and conflicting powers of the General and State Governments that the Whigs were preëminently the conservatives of the country, preserving the General Government from the attacks of the States, and the State governments from the attacks of pure democracy. They were the successors of the Federalists. The Democrats were the successors of the Republicans, and often adopted the resolutions of '98 and '99 as a part of their platform. The Democrats, in their theory of strict construction, were conservative in a legal or technical sense. Strict construction, so it be reasonable, would conserve the Constitution in its original purity. But in practice they carried the principle much too far, and in their extreme anxiety to prevent a consolidated or centralized Government, they granted it too little and gave too much to the States. In respect to the southern wing of that party it would be more accurate to say, instead of a strict construction of powers granted, they adopted a view which fundamentally affected the theory, scope, and operation of the Government. In their constant distinction between the Government as an agent and the people as principals, they were eminently democratic.

In their doctrines about hard money, currency, government, and bank issues; in resisting protection to manufactures and certain measures of encouragement to commerce, as tending to monopolies and a moneyed aristocracy; in their fervent laudations of agriculture, and their policy that it should be encouraged as our natural and national pursuit, they but repeated the democratic ideas of all countries and all ages. They expressed the sentiments of the lovely pastorals of Horace and Virgil, (with the beauty omitted;) the stern and leveling democracy of the code of Lycurgus was imitated while modified; and the theories, though not the intensity, of France under the Revolution, and of the Roundheads under the Commonwealth, were repeated. They were truly, in their day, the democrats of the country. They have since been outstripped by a swifter current of democracy rushing in a different channel and aimed at a different object of attack. This party were generally successful, and naturally so. With a vast consolidated despotism—a phantom of their own creation—to declaim against, with State pride and local prejudices and local patriotism to appeal to, with a name that is in itself a charm and a power, and, more than all, being ever aided by that great undercurrent of the human mind whose tendency is so ancient, so modern, so universal, and so powerful, it would have been wonderful if they had not generally vanquished their opponents and obtained possession of the Government. The Whigs, so often defeated, became disorganized. But politically they had little affection for their old opponents, rivals, and conquerors, and sought whereby to reclaim the Government from their possession. This

could be done only by being more democratic than the Democrats. At the North recourse was had—shrewdly by some, unwittingly by others—to the great tendency so well defined by De Tocqueville. There had been from the foundation of the Government an institution or interest at the South which in its political influences had latterly been with the Democratic party, because that party, by its system of construction, curbed the power of the General Government and enhanced that of the States which had immediate jurisdiction over the subject. That institution was African slavery, the subjection of a servient to a dominant class. Nothing was easier than to array against this institution a sentiment more democratic, more radical, more leveling than the tenets of the Democratic party either North or South. This opposition at first found expression full enough for its purposes in the proposition to exclude slavery from the Territories, while disclaiming any intention of interfering with it in the States. The success of this movement at the North was owing to the democratic character of its anti-slavery element. It was congenial to the honest opposition felt by thousands to the extension of an institution to which they were opposed on principle. I speak not now of that seditious higher-law faction who are to-day and always have been rebels and revolutionists. Nay, more; they were *secessionists*. They long advocated secession, or a division of the Union, to be rid of slavery, until the South attempted it in behalf of slavery; then they resented secession, but not very promptly. Many of their leaders, some of them now in high places, would have allowed the movement to go by default, when Sumter was bombarded, had not the indignant uprising of the nation forced them into the ranks of the Union. Being avowed revolutionists, they would use the war to accomplish their revolution. Failing in that, they would again become secessionists in times of peace.

This movement at the North could not have succeeded but for the character of resentment imparted to it by the imperious demand of the South that slavery might go and be protected everywhere, the mischievous repeal of the Missouri compromise line effected by the South and their party allies at the North, and the shameless attempt to fix upon Kansas by fraud and force a pro-slavery constitution against the known wishes of the people. These measures, as was foreseen by prudent men, aroused the full volume of the anti-slavery feeling of the North. The position of the Democratic party upon these and all kindred measures was an anomaly. Whoever has traced the origin of that party, and has studied what Lord Brougham once called "the fierce democracy of Jefferson," must see at once that it would probably and on principle have been the first and greatest anti-slavery party in the United States but for the fact that abolition by the nation ran counter to their favorite dogma of State sovereignty and control over the institution.

Having traced some of the elements and habits of political thought and influences that prepared men's minds and feelings for a rupture, we pass by the facts of its actual development, so recent in the memory of all, to note the increased part which these ideas and influences have played in the progress of the strife, and the results they are destined to work in the end. As the struggle deepened and passions heated, the ordinary historical phenomena began to develop themselves. An extreme democratic impulse, in attempting to attain its ends by the force of arms in the midst of a revolution, has a singular proneness toward vesting supreme power in the executive head as a means of giving vigor to its blows, and often manifests a willful or contemptuous disregard of such written laws and constitutions as stand in the way of the end to be accomplished. Zeal makes unity of effort, and confers executive power corresponding with that fervor. This is fully shown in all the conflicts of democracy with crowns, castes, and prerogative in all countries. Our own great civil war has not been an exception. At the South to-day centralization is so great that the name of "State rights" is a mockery, and personal liberty is only remembered as other lost blessings of good government; while the candid friends of our own Administration will admit that we are demanding, approving, or submitting to executive measures which before the war would have been regarded as a revolution in the Government. But a part of this, it must be said, is owing to the fact of closer study, larger views, and a better education as to the extent and character of the powers of the Government *in the midst of war*. I am less alarmed on this subject than I was one year or two years ago. We are in the midst of a revolution that will run its course, and when that is done we will settle down into our former ways as other nations have, and I deem it not vain to say that our capacity for improving on experience is equal to that of any other race. I believe it is true that no great and violent convulsion ever was settled or accommodated according to the form and letter of the law existing anterior to the strife. The lightning of the storm illumines the way of escape, and so it will be with us.

A people accustomed to think that their will is the foundation of their Government and laws are for that very reason, out of pride and self-esteem, the most obedient to laws and Government in times of peace. But when men are moved by the passions and ideas of a great convulsion, and desire to accomplish a given end which the limited written powers will not quite reach, the Constitution is invariably exceeded, and by a simple process. *The will of the people* is held the supreme law, the political god of the land. All it needs, it is said, is expression. They discover that will moving in a given direction, in which it has not had expression in a legal form. Indeed, the Constitution stands in the way of that expression, or at best is too slow, and then the same pride and self-esteem that have been fed from this all-pervading idea of the power of the people become restive. That which caused implicit obedience to the Constitution as the *expressed* will now makes that Constitution an object of indifference or hostility, because it fails to give expression to that will, or stands in the way of it. Then this newly expressed will of the dominant party is elevated above the Constitution, and becomes the rule of action in its stead, a condition of things that never has endured long, and never can. It is thus that in revolutionary times ideas are obeyed as everything, while the forms of the written law are lightly esteemed or even treated as the natural enemies and proper victims of the new ideas. While this has sometimes been carried to excess by our own Administration and people, as all ideas are in revolutionary times, it must be admitted that objectors have to some extent committed the opposite fault of looking at two contending revolutions through the technical glasses of a good attorney at the bar rather than with the clear, undimmed gaze of the citizen philosopher.

The customs, traditions, or written institutions of one age will give way to and be overridden by the changed will and opinion of another generation. If circumstances, pride, interest, dullness, prevent the expression of that changed will in a legitimate form, it will yet be expressed in a violent form. This has led some to doubt whether under democratic governments written constitutions or fundamental laws have any real utility, and whether under such governments the legislature, through which the people speak, had not as well be left supreme, as it really is in England. This has its advantages and disadvantages. Changes would be more gradual and never either so radical or so violent, but they would be more frequent, and agitation for them more constant. The greatest argument in favor of written constitutions is that a majority is frequently the hardest master, and a constitution, until overcome by a tempest of opinion and passion, serves the minority as the law and the courts serve the weak man.

It is now more than probable that the war caused by secession and its armed violence, and the opinions generated and developed by the war, have loosened the fastenings of African slavery on this continent, let the result of the war be as it may in regard to the union of the States. The perpetuity of involuntary servitude has always proved impossible in every country, and in this country its friends, by an ill-timed and insane effort in its behalf, have placed it in the process of rapid and final extinction. It is an impulse with man in resenting a wrong to strike at whatever appears to be identified with the wrong. This may work injustice, but it is always done. Secession, and rebellion, and guerrilla thefts, and murders, have drawn upon slavery much of the opposition and hatred that were due only to those crimes. To my mind the danger to both races seems that the transition will be too rapid and too violent, and the duty of the statesman may soon be to retard and ameliorate the pangs of a dissolution that has now become so much accelerated by the vicissitudes of war.

War is a great stimulater of new ideas, and frequently develops the opposite of the theory it was intended to defend. A war to-day in Italy to increase and extend the prerogatives of the church would break down the papal power. A war in England to extend and increase the prerogatives of king and nobles would make England a democracy. A war in the United States in behalf of slavery is rapidly propagating anti-slavery ideas in the slave States. A war to enforce the theory of secession will end in an increased consolidated nationality. For three fourths of a century the people of America had appealed to the legislature and the judiciary for a construction of their Constitution, and while upon the law question the decision has uniformly been in favor of our nationality, the Administration has nearly as uniformly been in favor of those interested in slavery. Not satisfied with this uniform current of exposition and administration, an appeal has been made to the sword. The sword is now giving its construction. It is cutting the gordian knot that wranglers tied. Any institution is stable while permitted to remain stationary. Any institution is more than half overthrown when friend and foe alike admit its dissolution is possible. The rebellion has done this for slavery. But few institutions can afford to be aggressive. History mentions but two that have not become the objects of successful hostile combinations on becoming aggressive in their character or being represented by propagandist disciples. Those two are Christianity and Democracy. Democracy has been assailed and combined against everywhere and in every age, by every antagonist institution, idea, interest, and tradition. But it has made the villein of England and the serf of Russia free; the blood of the vassal courses through the veins of his descendant risen to the peerage; and France under imperial Napoleon is to-day more democratic in some of the elements of her polity than the United States. The statesmen or conspirators of the South committed the egregious blunder, as well as crime, of making their ideas of slavery and political disintegration *aggressive*. Not content that slavery should remain an economic institution, a form of labor, a question of profit and loss, a thing inherited from their fathers, both Cavalier and Puritan, a *fact* in their midst over which they could have little control, they sought to convert it into an active commercial and political power. Slave labor made cotton, and cotton was king. First demanding non-intervention in the Territories, it was suddenly discovered that intervention for slavery was the duty of the Government. And it would be idle to deny that in all the slave States, not excepting the border States, that have clung to the Union there has long been as an offset to impertinent northern agitation a persistent attempt to hedge slavery about with a divinity that would make it an offense to oppose or doubt it. In some localities of the South this spirit and policy amounted to a pro-slavery terrorism and made white men slaves to slavery. This was as unnecessary as injurious. The friends of any matter have already condemned it when they insist it shall not be discussed or inquired of.

The rebellion has made this not only a question of military force, but has added import and point to the issue by making it a question of moral and political values. The love of the people for their Government, which is in itself a conservative element, has been to a great extent converted into a radical element by the attack of the rebellion on the Government. The policy of the insurgents seems from the beginning to have been to force upon the minds of men the question, which is the more valuable, the Government of the Union or the institution of slavery, by falsely alleging the latter could no longer exist under the former, and by violently offering to destroy one as a means of protecting and extending the other. It has inaugurated an unequal contest. It has raised a false but a terribly practical issue. It has arrayed a mere form of labor against the existence of the Government. Upon the success of the pres-

idential candidate of the Republican party, a success the conspirators purposely procured by dividing and demoralizing the only party which could prevent it, before that man was inaugurated as President, before he had an opportunity to do aught that was wrong if he had so intended, while the Government was still being administered by a President the choice of southern people, the process of State secession was commenced, based not upon wrongs done but upon wrongs said to be intended. And this was the great issue made against the Government, that upon the accession of the Republican party to power it had become necessary, in order to protect, defend, expand, and to save the institution of African slavery, that the States where it existed should withdraw from the Government and divide the Union on the slave line. The issue was made, that to preserve slavery the Government must be destroyed. They might have anticipated the counter-issue, equally false, so soon afterward made by the enemies of the institution, that to save the Government slavery must be destroyed. Amid the heats of civil war it was easy to pass from the policy of restriction to the policy of destruction. It has been said extremes meet. They first beget each other.

It will require but little observation of the forces thus arrayed against each other to determine which must ultimately succeed. I do not allude to the material resources for war. I mean the political, agricultural, and commercial influences that must and will crown the war for the Government and the unity of the Republic with success. Upon one hand we have a unity of territory inhabited and controlled by a race that is one; and these unities are only made the more perfect by that diversity in the productions of the parts and the wants of the people which makes them dependent upon and interested in each other. The territory of the United States, bounded on the east by the Atlantic, on the west by the Pacific, on the north by the great lakes, and on the south by the Gulf, with all our great rivers running from north to south, our only two mountain chains ranging north and south, with no deep water-course, high mountain ridge, or desert tract bisecting the continent from east to west, so as to form a natural boundary line between two nations, North and South, makes a fit area for one empire, one people, one Government; and the natural domain of the Republic remains to-day as it came from the hands of the Creator, the Architect of the universe, a geological and geographical UNITY. This grand temple was inhabited, owned, and governed by one people. The white race of America are one by blood, one in language, one in civilization, one in manners, and one in religion; one by all the material interests on this continent, one by all the strong ties that have ever constituted a unity of race. Upon these two natural and historical unities—unity of territory and unity of inhabitants—are naturally based the union of the States and the oneness of the national Government. Against them we find the averment that these unities must be severed and destroyed, the Government overturned, and both the territory and the people made twain to preserve a given form of labor, one species of property, the institution of African slavery. Besides the falsity of the issue, aside from the fact that the property or institution to be saved was already infinitely safer under one Government, one territory, and one system of laws than it ever possibly could be under a separate code and government, contiguous to a foreign and hostile nation, it was a fatal error in another view. It was an affirmance that the Government known as the Union was incompatible with the stability of the institution. It was a distinct affirmance and adoption, from a different stand-point, of the doctrine of an irrepressible conflict. The rebels did not seem to perceive the breadth of the issue at arms which they offered the Government. It was more than a mere assertion of incompatibility. It was an averment that the two could not exist together. This was wholly untrue; exactly the contrary was true.

But from these false premises it was easy to draw the conclusion that one must be destroyed to save the other. The effect of the issue being made and sustained by force of arms, was none the less disastrous by its being untrue. It was a dangerous question to present to the minds of men. It widened and deepened the opposition and created it where it had not before existed. And many minds not imbued with this opposition, and many who, cherishing it only as an abstraction, would never have sought to make it a political force or element in the administration of the Government, when told by the patrons of the institution that it and the Government could not coexist, were not long in disposing of the question, as they would any other question of value, and easily and correctly decided that as the Government was more valuable to them than any species of property, they would adhere to the Government through all the phases the question might assume. It was a cruel and foolish experiment, this arraying an interest, an institution otherwise much debated, in hostility to the Government, and thus make it the subject of attack and demolition. It gave to the abolition element of the North a new direction and an increased momentum. Many of the party who had merely sought to save the Territories for white men, then became a leveling agrarian democracy who gladly accepted the issue, and now openly and fiercely seek to make this a war for universal emancipation, and the parceling out of the large landed estates of rebel masters. The border State Union men and the war Democrats of the North rejected this feature of the issue offered by the rebellion. The only issues we accepted were the question of our nationality, the question of the right of secession by States, and the military contest for the supremacy of the Government. We would wage the war regardless of the negro, except that being property he is subject to the rules of war, and, if you please, being a man is subject to the command of the Government. Our theory has been to make the war a contest between the power of the Government and armed rebels in the field, and not to embarrass its progress, divide our friends, and consolidate our enemies by side issues of a political character. We would not have the overthrow of slavery as an end or aim of the war, but only the overthrow of the rebellion. We would have the war against armed rebellion pushed to a successful issue, and if injury or even destruction to slavery comes, as I now think it will, as the unavoidable result of "the friction and abrasion of war" let it come; and if there is any responsibility in the matter we will answer by asking, "Who made the war?"

The restoration of the Union under the Constitution, by the surrender of the rebellion before the exigencies of war have done their work, is the only hope for the South and her institutions. It is believed such an offer would be met by a vast majority in the loyal States who would prefer the Union on the old basis to the further carnage, untold debt, and grinding taxes that would come from an indefinite war for any other purpose. But if persistent rebellion requires the war to proceed, there may yet be a Union as it was not under a Constitution as it will be, and such new order of things will be acquiesced in and preferred to secession by many who now ardently long for the Union as it was. But the restoration of the Union as it was, while the very best thing for the South, would not fully restore the institution as it was. Its power as a controlling element in our politics is gone. The opposition to it has been increased. Its territory has been diminished. The rebellion, in its spasmodic attempt to enlarge the area of slavery, has caused it to be driven from West Virginia and the great State of Missouri, and by suicidal violence in its behalf has planted a leaven against it in Maryland, Tennessee, North Carolina, Louisiana, Arkansas, and Kentucky, that will more likely live and grow than die. And other causes are at work. The intelligence, the volition, and the locomotion that distinguish this from other property are excited, educated, and brought into play by the events passing before him and in which he is mingling, an education that would not cease for want of lessons after the success of the rebellion. This kind of education is all against the interest of his master and the peace of society. With him the pageantry of review in his rebel master's camp is not merely pride, pomp, and circumstance. He is learning the effectiveness of arms and the power of combination. With him the labor he performs in the Federal camp is not all mere drudgery. He is becoming *educated*. He is learning war from the ditch to the evolution of the battalion. From a being of mere imitation and submission he becomes a man of self-confidence and reliance. Add to all this the fact which cannot be kept concealed from him, that the two extremes are claiming the contest to be about him and his condition, and who shall say what such seeds will not bring forth? And when they have borne their fruit what will it be? I confess the future of his relations to his white neighbor is a picture of darkness and gloom to my mind.

The success of the rebellion might postpone but could not avert the doom that now awaits the institution and the race. Under the confederacy abolition and a war of races would come just as surely (though from different causes) as they now seem to be approaching. The retirement of the seceding States from the Union would result in compulsory relinquishment of all common territory not erected into States. Any attempted expansion toward the Southwest or into Central America, whether Mexico or France be in the way, could only be accomplished by conquest; for though Napoleon may intrigue with the rebels for our injury he cannot venture to become a pro-slavery propagandist. In any such attempt they would have combined against them the Powers of this continent and of Europe, an opposition that has not been lessened by instructions already issued to rebel diplomatic agents abroad to enter into no negotiations looking to the suppression of the African slave trade, accompanied by a construction of the rebel constitution giving to *each State* the right to open that trade at pleasure. Having achieved their independence they would find themselves surrounded on the West and Southwest by a cordon of free States, which, backed by the sentiment, and, if need be, by the power of the world, would forever bar the door to expansion in that direction. Manifest causes would rapidly shift the slave line southward, and the cotton States would soon find all the slaves of the continent crowded into their borders. While the ratio or relative increase of the blacks would be thus accelerated, that of the whites in the same locality would be decreased by manifest influences. The labor of the blacks would soon place in the possession of the masters all the desirable lands of that region. The poorer and laboring whites would in one generation find themselves the necessary tenants of the swamps, sand ridges, and mountain sides. By a rule of physiology well known they are the people who furnish all the muscle and most of the brains for a nation. Their loss could not be repaired. Their political influence would soon correspond with their meager agricultural resources, and they would seek to relieve themselves from a secondary position in society and government, and better the condition of themselves and posterity by emigration North and West. Already thousands of refugees from Arkansas, Tennessee, Carolina, Virginia, and Kentucky have sought safety, quiet, and a subsistence in that direction. The blacks in the slaveholding regions would soon become far the most numerous. In 1810 there were 1,191,364 slaves in the United States. In 1860 there were 3,953,587, an increase of 300.32 per cent. in fifty years. The same rate of increase would give 11,873,936 in 1910. The increase might not be quite so rapid in the next fifty years, and it would be inaccurate to assume that *all* of the slaves of 1860 and their increase would be crowded into the cotton States in 1910, though evidently much the larger portion of them would be. We may safely assume 8,000,000 slaves in the States of Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, and South Carolina in 1910. In the whole United States the *ratio of increase* of the white population is greater than that of the blacks. In the States just named that of the blacks has been greater than the whites for several decades. In 1860 there were in the States just named 2,618,754 whites. How many will there be in 1910? Allowing the same increase as for the blacks there would be 7,864,991. Considering the influences we have just discussed, would there be near so many? Under the system of emigration that would drain those States 4,000,000 would approximate nearer the truth. This disparity and its natural results would soon become apparent to both races. The whites would seek to avoid its results in one of two ways. The master would seek to maintain his authority by increased kindness and conciliation, resulting in the thousand nameless favors by one and liberties by the other, known only between master

and slave; or he would attempt to maintain the same authority by increased rigor and severity, on his own part, in the law, and in armed patrols. I now speak of master and slave to represent the whole dominant and servient populations. The first plan would rapidly grow into a system of contract, hiring, villeinage, tenantry, losing all the features of the absolute control incident to slavery, until it would merge into the practical, and ultimately the legal freedom of the black man. This process would be greatly hastened if it were sought to lessen their numbers while flattering their vanity by training them to the use of arms to assist in the almost constant state of war that must exist between the two Governments, by the confidence and importance such a course would impart to them; a policy that would also be invited by the scarcity of laboring whites from whom to replenish their armies. This course of events is far less probable than the other, that of increased rigor. That would first be manifested on the plantation and in the domestic circle; but as the disparity in the two populations grew apace, the preservation of the relation of master and slave would become one of the chief objects of legislation. To accomplish the end it would be found that the white or master class would rapidly assume the character of a military police, embracing a vast majority of its members, who would live upon horseback, and wield the arms of the light cavalry service, almost as uniformly as would the blacks the plow and hoe. How long would be required for society to assume this phase, or how long it could be preserved when assumed, are questions not so material as the fact that it would not endure a great while, and would find its denouement in a San Domingo struggle, in which if the whites were successful the blacks would be exterminated as a necessity, and if the blacks were successful the whites would be destroyed as an act of bloody and malignant revenge, leaving that skirt of country in the possession of the black man. And how long would he hold it? Not a half, a quarter, nor a tenth so long as the Indian did after the white race set foot on Plymouth rock. While these events were passing in the South, the North would in the mean time become pressed with a redundant, active, aggressive, adventurous population, sprung from a blood that loves land and power, does not fear war, and despises all inferiors. They would seek an establishment and an easier subsistence in the more genial climes of the South. Pretexts, possibly good causes, for war would not be long wanting, nor would it require much argument in the mind of the northern conqueror to persuade him that his black neighbor was his natural enemy and that nothing less than his entire landed estate (so illy gotten anyhow!) would constitute indemnity for the past and security for the future. But may not all this reasoning as to the course of slavery under the confederacy be illy founded, because it implies the notion that a confederacy based on secession could last two or three generations? Is it not far more probable that a much earlier solution would be had in the shattering and breaking to pieces that must come of secession and petty civil wars run *ad infinitum*?

Those who dream of elevating the African in our midst to a moral, social, and political equality with the white man will be disappointed. Secessionists and abolitionists are all alike in one respect, and their children will be as their fathers. The freed man will enter the lists as a competitor, and as such will go down. Our blood loves land, loves money, loves power, and despises inferiors, especially Indians and negroes. We will out-work him, out-thrive him, out-trade him, out-learn him, out-fight him, out-vote him if need be; in short, beat him in the great game of life, and he will disappear, partly by violence, partly by that kind rule of diminished increase that favors a race in that condition, and partly by those irregularities that will throw the blood of the two races into an intermediate channel. When war and democracy have done all they can, dissolved the bonds of the slave, it will then be found that the equality of democracy is confined to the limits of a race of equals. Mark already the constitutional provisions to exclude the blacks from several of the free States. When the "American citizen of African descent" shall demand that his equality of freedom gives him a right to social and political equality he will have a smile from a faction and a scowl from the mass. Christianity has been invoked in this great undertaking. Christianity is in some respects the most democratic and in some respects the most conservative power among men; conservative in its precepts for domestic government and obedience to rightful authority, and democratic in its freedom of thought and injunctions of personal justice. This great power is active and aggressive; it goes everywhere and permeates all institutions, and a wholesome democracy, either latent or developed, follows in its wake. It has converted the white master and the black slave, brought them into the same sanctuary where they attend upon the same ministrations, and, in thousands of cases, they kneel in prayer every night around the same family altar. But Christianity has not made the two equal as races, and democracy will fail to achieve what Christianity has omitted to attempt. Democracy equalizes in a legal sense the son of the President and the son of the pauper; in a few generations it brought to an equality the son of the hereditary nobleman and the son of the meanest feudatory. But this is only equalizing castes and discrepancies of position among men of the same blood. Accident, force, law, custom, separated them for a while, but democracy brought them together on the same plane. It has not done this and will not be able to do it for the Caucasian and the African. This demand for a forced and sudden equality of all men, when it reaches the point of popular or epidemic political fever, not only demands the abolition of all privilege and distinction for the future, but cries for blood as a revenge for the past. Persons perfectly innocent, or even useful or amiable in their own characters, are ruthlessly destroyed for being the representatives of an hereditary and condemned inequality. It demands there shall be no distinctions or authority but those founded on virtue and genius; that every avenue in society and State shall be open to every human being; soon punishes as a crime distinction won by virtue and genius, and ends by submitting to power won by crime. Fame is an *inequality*, and its possessor must be beheaded or banished. Hemlock and ostracism were the familiar rewards of citizens grown too great among the ancients. In France the Convention, the Commune, and the Committee of Public Safety beheaded one set of generals for being defeated, on the ground of complicity with the enemy; and beheaded another set for being successful and winning the confidence of the soldiers, on pretense of fearing a dictator. Their popularity was dangerous; it was a conspiracy because it *might* be improperly used. Whether used well or ill it was an inequality not to be allowed. Under other forms of government great deeds excite gratitude or patriotic ambition; under a pure democracy they are only a passport to destruction or exile. Republics are *not* ungrateful, but democracies are terribly jealous. We have not yet reached that point in our fever. We may reach it and suffer its delirium and cruelties, and pass into the cold sweat of collapse in the attempt to make an equal of the negro, and then find we have not accomplished what God did not will should be.

"Nature is an aristocrat," exclaimed Lamartine, himself a democrat. If he meant as to persons he said too much, if as to races he said the truth. Again, "Equality is written in the law long before it is established in races." If he meant between men or castes of the same race he is right, for there equality is oftener a political idea and a legal right than a personal fact. If he meant equality of or between races it does not exist. Those who think emancipation will solve the whole problem in this vexed matter, have not yet seen the greatest trouble in the case. Dispose of the slavery question and the negro question remains. The same spirit, the same interests, that give freedom to the slave, when brought in contact with the negro will go for thrusting him out of the community as a foreign substance offensive to their theory, one for whom there is neither room nor honey in our social and political hive, whose ejection is demanded by public economy, the public peace, and that public equality they will continue to teach. Viewed from a *distance*, the relation of master and slave excites their democracy. Brought in contact with the race, the same inexorable demand for *equality*, coupled with the manifest impossibility of its accomplishment, and the passion of our blood for land and dominion, will make them the enemy of the race. When well analyzed this will be found the chief element and motive power with the extremes in this movement on both sides; and this remark is none the less true because a vast majority of those who rush or float with the tide honestly think they are acting from other motives, and have not yet discovered the real propelling power that is behind them. The form of democracy I speak of is energetic and severe while it lasts, but never lasts long. It is not in the nature of things that it can make a protracted and sustained effort in one direction for even one generation. It subsides, but the leaven of democracy works forever. Our political pendulum, in counting off the centuries of our career, may swing to and fro, but events on this continent will verify what reason teaches, that a pure democracy, or any very near approach to it, is the most impracticable and short-lived of all forms of administration for an extensive empire and a large population; and as often as we are compelled to return from either extreme to our system of delegated or representative authority, and the checks of our three departments, it will be with a renewed appreciation of their value and importance.

A question of *race*, and, connected with that, a question of *land*, is the ulterior form which this matter will assume. The system of servitude by which a hundred men work an estate for one owner, and the three fifths rule by which that one owner votes equal to sixty non-slaveholders, are elements that excite democracy, jealousy, and cupidity. The master's power is to be shorn, the slaves to be freed, hired, and cheated, and the land divided among those who win it in battle. I do not mean to speak harshly or unjustly, but this does seem to me to be the tenor and effect of our legislation. A century or half century hence the white man, moved by the same impulses about equality, and the same idea about land, and the same feeling about race, will advance a long but easy stride from the abolition of slavery to the expulsion or abolition of the race he really feels is in his way. To doubt this for a moment is to ignore history and human nature and the fate of the red man. It is proved by the willingness and even the anxiety to thrust the negro into the war; to hold him up as a dark shield between our bosoms and the fire of the rebel hosts. It is claimed that it saves the lives of white men. That is true, and is to the point in more senses than one. It can only save white men by exposing black men to destruction, and then when the war is over that displacement of the race so much desired will have been partially effected. While the antagonism of race is assuming this form of expression at the North, it is assuming quite a different and yet quite a natural form at the South. What has enabled the leader to get into the rank and file of his army, and to make so determined a soldier of the poor and laboring white man of the South? Was it that he had been wronged by our Government, or felt any real opposition to it as such? Not at all. It was accomplished by making him believe the negro was to be set free and made his equal, and that a State had the right to secede to prevent this. He fights for these reasons, and so would many northern men similarly situated. Reverse positions and educations, and many an advocate of universal emancipation would be a devoted soldier under the stars and bars of rebellion, while many a soldier of the pro-slavery secession would be a zealous advocate of universal emancipation. And all for the same causes, developed in different forms and under different lights, *democracy* and *race*.

If this ultimate contest of race, and its disastrous result to the black man be thought a harsh or unjust view of human nature, I answer I am not defending the morality of the result, but am only getting my own consent to see a great truth pointed to by the history and the constitution of man, *the jealousy and antagonism of races;* that latent, instinctive hostility which, when brought into action, sometimes assumes the form of slavery, sometimes of war, sometimes expulsion, and sometimes extermination. It is an instinct among men as it is among animals, and therefore is confined to no age, no climate, no race, no color. It existed between Egyptian and Israelite; between the polite nations and barbarians; between Jew and Gentile; between Roman and Carthaginian; between Castilian and Moor; between the

Tartar and the rest of Asia; between the "pale-face" and the red man; it built the great wall fifteen hundred miles long between the Chinese and his enemy, and has existed in all ages between the Ethiopian and the rest of mankind. Similarity of republican institutions did not prevent the free States of the North from volunteering freely to aid in the conquest of the territory of a neighboring republic *of a different race*, in a war ostensibly to defend the previous acquisition of a *slave State*, nor prevent the terrible political contest that ensued on their demand that this *black race* should be excluded from the vast dominions wrenched from Mexico. The *free negro exclusion clause* of the constitution of Indiana was adopted by a majority of *ninety-four thousand votes;* and the convention of a political party in that State simply spoke for our race when they said that this vote meant that "the honest laboring *white* man should have no *competitor* in the *black race;* that the soil of Indiana should belong to the white man, and that he alone was suited to her free institutions."

The other really great power in this controversy is the question of secession as a *State right*, assumed on one side and denied on the other, a question involving the existence of all government. *It is the white man's question in this contest*, and the effect upon him will be as secession is successful or defeated. With the triumph of the theory of secession as a principle or element in our system of Government, we will repeat and perpetuate on a larger scale the modern history of Mexico, not omitting subjugation by foreign Powers and petty empires under European protection and control. But if this principle is defeated and the success of the Federal arms is accompanied by a constant and earnest recognition of the fact that the *Constitution* is the "supreme law of the land," our institutions will have been purified rather than consumed by the fire, and strengthened rather than sundered by the iron of war. Its effects upon the political and national education of the people will be that the Constitution is not a loose league between separate and independent sovereignties, to be abandonded at pleasure by the States, but that it *constitutes a Government*, that it is a charter of powers emanating from and acting upon the sovereigns of that Government, the people. My own views of the way of our political salvation are well defined. We must have the complete, lasting, and overwhelming success of our arms on the field, while the civil law must be wielded at the hands of men who know and feel that the Constitution is a higher law than their own views, their own feelings, their own schemes, and their own prejudices. It is to obey the law ourselves and enforce it upon the rebels at all hazards and all costs. I know this involves a hardship. There are thousands at the South who are fighting for what they honestly believe "a State right"—the right of secession. They have been taught it from infancy, and political error, like error in religion, is believed more ardently than truth. Many more still have been forced into the battle against their will by the unsparing command or the irresistible local torrent of the revolution. But epochs, crises, and generations have their sacrifices, which must be referred for final account to the great system of providential compensations. The time had come when it was necessary to determine whether the United States were a Government. If that question is determined aright, the decision will be worth all its cost, and if it is decided amiss, the children of the rebels of to-day will pray it had gone against their fathers.

Let those who would use the war to destroy anything but the military power of the rebellion beware they do not destroy the Government as well. We may loose a storm we cannot direct as we ride it, nor stay it when we would. Remember that when a republican constitution had been adopted by the Constituent Assembly of France and accepted by the king, La Fayette, Barnave, and others, demanded a declaration that the Revolution was accomplished and that there it should stop. Robespierre and his party urged it forward. It went forward, demanding *equality* —BLOOD; the king's head fell, then Robespierre's, and the same mob who had followed Louis to the scaffold amid cries of "*Vive la republique*," a few years afterwards lifted the child of destiny to his vacant throne, making the welkin ring with cries of "*Vive l'empereur.*" A man, a nation, is always equal to duty, not always to destiny or misfortune. There are times when a people cannot control their own movements, but rush headlong with the current, and the current is turned or set by accident. We can avoid this by doing our one duty of fighting the rebellion and leaving the balance with God. By reaching too far we waste our power and miss the mark we might have hit. If this war fail of its original object it will be by attempting too much. If this rebellion succeeds, it will be much indebted for the moral aid sometimes loaned it by ourselves. While there is no safety without military success our safety does not lie altogether there. We must show that a war for the life of a republic need not become the rude funeral of the liberties of the citizen. We must not press the triple, yet one, idea of "liberty, fraternity, equality," that triune godhead of revolution, so far that our heads shall all come together in a bloody embrace of emphatic equality in a basket under a guillotine we made for others.

If the views I have here presented have foundation in truth the IDEAS now arrayed against each other and represented by the hostile armies in the field may be classed as follows:

Southern, or Rebel.	*National, or Union.*
1. A fallacious and long-continued political education upon State rights and State sovereignty involving nullification, (the Jefferson school,) and the vicious ambition of secession and a southern confederacy, (the Calhoun and Davis school.)	1. The unity and the nationality of the Government and its direct action on men and things, (the Hamilton school;) the supremacy of the national Constitution and laws, the political and territorial integrity of the Republic, (the Webster and Jackson school.)
2. The insolence of pro-slavery propagandists and southern leaders, and the jealousy toward free negroes by the southern laborer.	2. The equality of Democracy arrayed against the relation of master and slave by the Republican and Abolition parties.
3. *Antagonism of Race;* manifesting itself at the South in a desire to retain the negro in slavery, and among non-slaveholders in an intense aversion to the personal and political equality of the race.	3. *Antagonism of Race;* manifesting itself at the North in the demand for free territory, free States, and the exclusion of the black race from free States; recently demanding their deportation, now desiring them as soldiers and laborers; and will ultimately destroy them by neglect, discrimination, and superior thrift—possibly by war. I apply the latter thought to *our race*, and not to any party.

I have purposely left out of the account the hate felt by many southerners for "Yankees" and "abolitionists," and by many northerners for "slaveholders" and "slavedrivers," as being prejudices not entitled to the dignity of real, moving, living powers in a great event—prejudices which the much good fighting done on both sides will not fail to dispel. It is to these prejudices and the heated blood of the occasion that we must refer nearly all the irregularities, ungenerous warfare, and unsoldierly cruelties that have occasionally stained this, and this not nearly so much as other civil wars. The combatants are learning from each other that men are not cowards or heroes by races, or by sections, that both qualities are found among all men, and that many more men of all races, States, and conditions have sufficient animal courage to make good soldiers than have moral courage to believe the truth. War is the rude, commerce the gentle pacificator of peoples and civilizations. The first chroniclers of the Crusaders were all harshness, contempt, and bitterness toward their enemies. The latter chroniclers were softer, truer, juster, at times filled with admiration. The East and West learned each other, and mingled their manners and their knowledge, increasing the one and polishing the other. The North and the South will do the same.

A word about Mr. Jefferson. I have meant no disparagement of him by classing him with Calhoun and Davis. But it is a little remarkable that a statesman of such clear and forcible views, such ardent patriotism and renowned services, should have promulgated a doctrine which *for a while* misled and seduced Mr. Madison, furnished Mr. Calhoun with the material for the political error of a lifetime, the abolitionists with authority for much of their mischief; was the authority for South Carolina nullification; was quoted substantially in the report of the Hartford Convention, and a text for Mr. Davis, who has been a conspirator ever since he entered public life. There was little more similarity in the politics and character of Jefferson and Davis than there was in those of Hamilton and Jackson. Yet it must be admitted that upon the great antagonistic ideas that have agitated and distressed our national existence they are properly classed—Jefferson with Davis on the side of State independence and nullification, and Jackson with Hamilton on the side of our nationality.

I have not discussed the war so much as the political elements that have led to it, have directed it, and are being developed by it. The subject is intricate. I hope I have been understood. The results will be commensurate with the issues joined. With intemperance we may repeat some of the features of the decline and fall of another great Power, not omitting the sale of the Government to the best bidder by a prætorian band. But avoid the breakers indicated by the miscarriages of other nations, destroy secession, restore the Constitution, and our future, our very near future, will be what no other people have achieved, what no other form of Government can bestow, "to combine upon a scale of unprecedented magnitude the homebred and fireside blessings of small States and local administrations, with the security, influence, and power of a great empire." By relying solely on the federative principle for a general Government the centrifugal forces in politics will surely part the Republic. By relying solely on a centralized nationality for all purposes, the centripetal forces in Government will freeze and disaffect the extremities and congest the vitals. The happy mean between the two does not need to be invented, but only to be discerned and followed in the skillfully graven lines of our constitutional chart. We are fighting for a Government, for existence as a nation. If, as many suppose, we are remitted from the Constitution to the laws of war, of nations, and of conquest, we are still not without the best of guides for our conduct. There has been no improvement upon the text of Montesquieu in his Spirit of Laws: "It is owing to this law of nations, that among us victory leaves these great advantages to the conquered, life, liberty, laws, wealth, and always religion, where the conqueror is not blind to his own interest."

Mr. LONGYEAR. Mr. Speaker, it has been my intention, during the present session at least, to content myself with being a silent actor, and not take up the time of the House with speaking while action was of so much more importance to the interests of the country in its present perilous condition.

But the novelty and importance of the measure now under consideration, the anomalous condition of the country out of which it arises, the imperative necessity for action of some kind by Congress now, the great and absorbing interest felt and manifested in regard to it, not only justify debate but demand the freest and fullest discussion.

And the business of the House having been so arranged that debate upon this measure does not stand in the way of progress in those other great measures of the session for supplying men and means for carrying on the war and to sustain the credit of the country, I propose to discuss briefly the bill now before us.

I shall not attempt to go over the whole ground, but content myself with noticing a few of the leading questions involved in it.

Mr. Speaker, I have listened attentively to the speeches of gentlemen on the other side of the House, made in the course of this discussion, to get an idea, if possible, of the grounds of their opposition to this bill. But thus far I have listened in vain. They have, with scarcely an exception, evaded and dodged the question throughout. My colleague from the fifth district [Mr. BALDWIN] in his speech of nearly an hour in length scarcely alluded to the subject. Has he no reason to give for his opposition to this vital measure? Or does he suppose that his constituents will be willing to accept a hackneyed tirade against the present Administration as a reason why Congress should not make some provision to bring order out of the chaos in which nearly one half of the country is involved by a wicked and causeless rebellion?

Let me remind my colleague that the people have put upon those old complaints against the Administration their seal of condemnation; that his

party has been before the people with that same tissue of misrepresentation and misconstruction of the acts of the Administration, and met with a most disgraceful defeat and merited rebuke.

But my colleague's acts, according to his own admissions, are inconsistent with his expressed sentiments. In one breath he tells us that this Administration is corrupt, and that it is conducting this war for its own aggrandizement and the perpetuity of its power; and in the next breath he tells us that he votes for all measures for carrying on the war. In one breath he tells us that the enormous expenditure of money by the Government is for private speculation, for filling the already plethoric pockets of Government contractors and corrupt rulers; and in the next he tells us that he votes for all appropriations the Administration asks for. I suppose this is what he calls being a "war Democrat." Does he thus vote, Mr. Speaker, because he disbelieves the sentiments expressed by him? Or does he feel himself compelled to do so by the indignant frowns of his constituents into whose minds he has not yet succeeded in instilling those sentiments? Sir, a compulsory patriotism of this sort is poor material upon which to rely for the support of the Government and the salvation of the country in perilous times like these.

Mr. Speaker, it has been asked wherein lies the necessity for action upon this measure at this time, and it has been said, Subdue the rebellion first, and it will then be time to talk about governing the country. My reply is this: the necessity for some kind of government goes hand in hand with subjugation. If civil government is not provided for it must be a military government—a thing inimical to the spirit of our institutions, and unknown to them except by the laws of war, and then of doubtful application except to foreign territory and a conquered foreign people. Pass a judicious enabling act, with proper safeguards, of which the people may avail themselves to organize civil governments at the very earliest opportunity, and it will afford a rallying-point for the Union sentiment remaining there, and tend to foster it and nourish it into a healthful and vigorous existence. It will prevent perplexing and complicated irregularities and diversities of action, and tend largely to harmony and strength in our future deliberations. No stronger illustration of the necessity and propriety of immediate action need be given than the case of Tennessee, Louisiana, and Arkansas.

The President's proclamation does not solve the difficulty. As a proclamation of amnesty, as a general outline or plan for organizing new State governments, as a prescription of safeguards and conditions precedent to such organization, it will ever stand as a bright and glorious page in the history of the present Administration. But it is incomplete for lack of constitutional power. That can be conferred by Congress alone, under the power to admit new States.

I am aware that a wide diversity of opinion exists as to the true, logical condition or status of the rebellious States, both while in rebellion and after the rebellion shall have been subdued by force of arms. Some contend that, to all intents and purposes, these States are out of the Union—territory and people—and that they are foreign Powers, and that when subdued we hold both as by conquest, with all the rights of a conqueror on our part, and the rights and disabilities of a conquered foreign Power on their part. Others contend that merely the governments of the States are subverted and overthrown, but that by some kind of spiritualization the States still exist and are in the Union, and that when the rebellion shall have been subdued, all we have to do is to rehabilitate or reimbody that supposed spirituality with such habiliments or such body as we may see fit; and that when that is done we have the same old State we had before, but born into a new life. Others, again, contend that the State governments are not subverted or overthrown; that they still exist, with all their rights and obligations, as States of this Union, but that their functions are merly suspended by force of the rebellion; that it is a case of suspended animation merely, and that when the pressure of the military power of the insurgents shall be removed, these governments will spring into action again with full life and vigor, and with all their former powers, rights, and immunities unimpaired. Their motto is, "Once a State of the Union always a State of the Union," on the monarchical idea, I suppose, that the king never dies.

In order fairly to consider these several theories, and intelligently to advance my own, I propose to take a few bearings from an original standpoint.

What is a State, in a general sense, and what is it to become and to be a State of this Union, and what are the true relations of the States in rebellion to the General Government while at war with it, and what will be those relations when those States are conquered?

What is a State? Chancellor Kent, in his Commentaries, (p. 189, n. b.) says:

"A State, in the meaning of public law, is a complete or self-sufficient body of persons united together in one community for the defense of their rights, and to do right to foreigners. A State has its affairs and interests; it deliberates and becomes a moral person, having an understanding and will, and is susceptible of obligations and laws."

Such, then, is a State. The people in their primary capacity do not constitute a State. It is the union of the people into one body for the purposes named. Such union is effected through the forms of government. Under our system, those forms of government are made up of and consist in constitutions and laws; from which it necessarily follows that whenever the constitution and laws of any State are by any means subverted, abrogated, or overthrown, the union of the people which made them a State is gone, and they cease to be a State.

One of the attributes of government is sovereignty. Under our theory of government, sovereignty is vested primarily in the people, but, as just shown, the people are not therefore a State. When the people, by virtue of that sovereignty, unite themselves together into one body for the purposes named above, through the forms of government, they breathe the breath of life into that body by investing it with sovereignty; and then, and not until then, does the State exist. When, therefore, the government, the body of the State, dies, what becomes of that sovereignty with which it was so invested, and by virtue of which alone it was made a living soul? It returns to the people, and may be exercised by them *de novo*, the same as though no government had ever existed.

So much as to the general characteristics of a "State."

Under the definitions above given, and within the general meaning of the term, the Government of the United States is "a State." It is a union of the people, and of all the people, into one body or community for the purposes named in the definition given by Chancellor Kent. "We, the people of the United States, in order to form a more perfect Union," &c., is the language of the preamble to the Constitution. It is the supreme State in all matters within the scope of its powers and jurisdiction. It was invested by the people with a sovereignty superior to, and supreme over, all others that may or can exist anywhere within its jurisdiction.

To become and to be a State of the Union requires the express action of Congress, admitting it as such, and its submission to the Constitution and laws of the Union.

Each State, therefore, owes its existence originally to the mandate and express consent of the supreme State, the General Government; and all the people of each State, and the States themselves, owe primary allegiance to that superior sovereignty.

My view, then, is this: the Government is the State; its soul and essence is the sovereignty with which the people have invested it for certain specified ends; among which ends is obedience to the national Constitution and laws. When such government becomes subversive of those ends, or seeks, by virtue of that sovereignty with which it has been invested, to bring the people in conflict with that superior sovereignty to which they owe allegiance, or when such government becomes abrogated or destroyed by any means, the sovereignty with which it was invested returns to the people, to be exercised by them *de novo*. When a State has thus, by its own act, become divested of its sovereignty, its soul and essence are gone, and it ceases to exist as a State of the Union.

It does not go out of the Union; that is impossible. That idea involves the absurdity that a State of this Union can exist outside of the Union. It simply ceases to exist when it ceases to be a State of the Union. If in such case it continues to maintain the forms of an existence, by force or otherwise, it is an excrescence upon the body-politic of the nation, to be removed and dissolved to make room for the exercise of national sovereignty and for legitimate State organizations by the people.

The superior sovereignty and jurisdiction cannot be destroyed or impaired by the destruction, subversion, or abrogation of the inferior. And hence when the inferior ceases to exist the national authority remains as complete as before over the entire territory and people.

Territory is not the State. It is the habitation of the State. It prescribes the boundaries of its local jurisdiction. In a governmental sense territory is national, and remains national the same after a State organization as before. To illustrate: the people of any portion of the national territory may go through the forms of organizing a State government by adopting a constitution and electing officers under it, but it cannot occupy a single foot of territory as a State anywhere within the national boundaries, and has no standing whatever, without the previous consent of Congress. When Congress yields its assent and prescribes the boundaries of the new organization, then, and not until then, it has a footing to stand upon; but national jurisdiction over such territory is not thereby supplanted or impaired. The new organization comes in under and subject to national jurisdiction and sovereignty. And what folly would it be to contend that the national Government could not afterwards assert its jurisdiction and sovereignty over such territory to the entire exclusion of a foreign Power usurping such State government, and even of such State government itself, if subverted and sought to be maintained in defiant opposition to the national authority!

And yet there are those who contend, notwithstanding a State is in open and defiant rebellion against the Federal authority, yet that it is entitled to the rights, privileges, and immunities to which it became entitled on being admitted into the Union. This doctrine involves the absurdity that, although it was necessary for such States to submit themselves to the superior binding force of the national Constitution and laws in order to become a State, and be entitled as such to the rights, privileges, and immunities of a State of the Union, yet that a continuance of its existence as a State of the Union and of its rights and privileges as such does not depend upon a continuance of its submission to national authority.

This brings us to a more minute consideration of the questions, "What are the true relations of the States in rebellion to the General Government while at war with it?" And "What will be those relations when those States are conquered?"

We speak of them as *States* in rebellion. It will be seen that this is not a contradiction in terms, as might at first appear; but that in this idea lies a strong argument that by their rebellion they have ceased to be States of the Union. Those organizations now at war with this nation are not new organizations, endeavoring to supplant and usurp the territory and jurisdiction of the old. They are the same old organizations, operating under the same old constitution and laws. We are not contending to prevent some foreign Power from usurping the government of those States. From the very nature of the case we are not spending all this blood and treasure in endeavoring to aid those States to sustain their position in the Union, and as a part of it, against the depredations and usurpations of some foreign Power. No, sir. As has been already shown, those States have by their own acts ceased to be States of the Union. But they keep up the form of a State government—the same form as before. They have entered into a new confederacy. In both these capacities they constitute a power *de facto;* and as such power they are endeavoring, not to supplant and usurp the old State governments—it is absurd to say that a power is endeavoring to supplant itself—but the effort on their part is to supplant and usurp the national Government; and it is against that usurpation that we are contending.

We speak of them as States, and call them by

their old names; but it is a mere matter of description; a convenient mode of expression. They once were States of the Union. In form they still maintain the same organization and the same geographical boundaries; and as a convenient and ready designation of them as a power *de facto* we call them by the same old names.

In calling them States, and treating them as powers *de facto*, we do not concede the right or the legal power of secession. We deny the right of secession, and yet, as in the case of these States, it may become a fact. It has become such, but by wrong, by the highest of crimes, treason, robbery, and murder; nevertheless it is no less a fact. By it, however, came death and dissolution to the body-politic of those States, not by virtue of their resolutions and official or conventional declarations of secession alone, for these were mere nullities, and they were meaningless until followed by action. When followed by action, by forcible resistance to Federal authority, these resolutions and declarations had a meaning. They showed the *animus* of such resistance, the intention of it, and the extent to which it was intended to reach. They tended to show that such resistance was intended to be by the States in their corporate capacity. They showed that such resistance was not for redress of grievances under the national Government, but for its entire abrogation and destruction, so far as they were concerned; that they became and now are enemies within our borders and upon our own territory; and that the war has been, is, and must continue to be on our part for the maintenance of the existence of the national Government and the integrity of its territory.

We recognize them, however, as belligerents only. They have not been recognized by us or by the nations of the world in any other capacity. When an insurrection becomes civil war and the necessity occurs to treat the insurgents as belligerents has been so ably discussed and elucidated by the gentleman from Pennsylvania [Mr. BROOMALL] and others on this floor, who have preceded me, that I will not take up the time of the House with any remarks upon that point. It is sufficient for my present purpose that it has been authoritatively determined by judicial decision, and by the action of all the branches of the Government, that this contest is war, and that the rights and immunities of belligerents attach. From which it follows that the contest must be conducted under the rules of war, recognized as such by civilized nations; and further, that in its conclusion and results the contending parties must be governed by the same rules.

The "southern confederacy" and the States of which it is composed have no standing, therefore, except by virtue of those belligerent rights. And hence they must stand or fall by the rules of war. They are belligerents because of their military power; and they will remain belligerents so long, and so long only, as they have an organized army in the field, and because they have it. Everything depends upon the success or defeat of their arms. If they succeed, they then emerge into a civil government, and are entitled to be placed among the nations of the earth. If they fail, if their military power is broken up and destroyed, they are destroyed with it and are nothing. The rebellious States have submitted their right to national existence to the fate of war, and by that fate they must abide.

But who are the parties to the war, and what are the immediate results of conquest by either? The parties are, upon the one side, a portion of the people of this nation in insurrection, organized into a formidable military power and assuming to exercise all the functions of civil government, (through the forms and machinery of government known as States, which had once existed under and as a part of the national Government,) seeking a dismemberment of the nation and the establishment of their own independence; and upon the other side the national Government itself seeking to maintain its integrity.

The integrity of the Government, as before shown, is to be maintained by breaking up the military power of the insurgents, which, as we have seen, must be done under the laws of war. According to those laws the successful party is conqueror and the other is the conquered; and all the rights, liabilities, and disabilities of conquest follow. If we succeed we make no conquest of territory, because that is already ours. We simply succeed, in that respect, in bringing that which is our own again under our control. But we do make conquest of the people, and of the entire people, within the insurrectionary district; because by the rules of war all the people within the enemy's jurisdiction are enemies. By the same laws we succeed to the right not only to govern the conquered but to dictate to them the form of government which they shall adopt, limited only by our own constitutional powers.

It is absurd, and illogical, and in contravention of the plainest rules of war, to contend that States, which have thus formally forsworn their allegiance to the Government and submitted the question to the arbitrament of war, are entitled nevertheless to all their rights and immunities under the national Constitution and laws. As well might it be said that nations at war with each other might insist upon the observance of former treaties of commerce and of diplomatic courtesies. No, sir, war abrogates all compacts, and the belligerents are remitted to the inexorable laws of war in all their intercourse with each other. And there is no difference in this respect between a civil war and a war with a foreign nation.

In our case, so far as *State rights* are concerned, and to the extent to which those rights exist, we may treat the enemy, when subdued, as a conquered foreign Power; but so far as the powers and jurisdiction of the General Government are supreme or even concurrent, the people at war with it are domestic enemies and traitors, and on being subjugated are liable to be treated as such. Hence, the States thus at war are liable to have their respective State governments and their existence as States treated as abrogated and at an end, in the same manner and to the same extent as in the case of a subjugated foreign Power. But while this is the case the powers and jurisdiction of the General Government remain just as they were before the war, unaffected and unimpaired, over all the territory of those States, and all the people which shall be found remaining there; and that to the same extent and to be exercised in the same manner as if such State governments had never existed. If rebels and traitors are found there, treat them just as you would rebels and traitors found anywhere within our jurisdiction; convict them and hang them, or grant them amnesty, as may seem meet.

So far, then, as those organizations known as States are engaged *as such* in this contest it is *war* to all intents and purposes; and so far as the people in their character as citizens of the United States are concerned it is *civil war;* in each of which conditions, however, the national Government has the same rights and powers as in the other.

In deciding the prize cases, so called, in 1862, the Supreme Court of the United States laid down the following doctrine in relation to the present contest:

"The present civil war between the United States and the so-called confederate States has such character and magnitude as to give the United States the same rights and powers which they might exercise in the case of a national or foreign war."—2 *Black*, 636.

And again, quoting Vattel as authority, the court say, (page 667:)

"'A civil war,' says Vattel, 'breaks the bands of society and government, or at least suspends their force and effect; it produces in the nation two independent parties, who consider each other as enemies, and acknowledge no common judge. These two parties, therefore, must necessarily be considered as constituting, at least for a time, two separate bodies, two distinct societies. Having no common superior to judge between them, they stand in precisely the same predicament as two nations who engage in a contest and have recourse to arms.'"

In this view of the case, and so far as we have the right by the laws of war to dictate terms to the conquered, and grant amnesty to domestic enemies, the proclamation of the President, accompanying his last annual message to Congress, was not only competent, right, and proper, but was clearly within the scope of his war powers as Commander-in-Chief of the military and naval forces of the nation. But when these people, or any portion of them, wish to organize a State government, and be admitted as one of the States of the Union, the consent of Congress is necessary, and upon this point there seems to be no difference of opinion. It is one of the features of this bill to provide for such emergency.

But Congress has not the power to create State governments for the people; it has the power only to admit them as States when organized by the people. Congress, nevertheless, has the power to prescribe the terms upon which such new States may be admitted, and to govern the territory and the people until State governments are organized and admitted as such. It is another of the features of this bill to meet this latter emergency.

Such, then, are my views of the status of the rebellious States, and the power of the national Government over the territory and people of which they were made up, deduced from principle and authority.

I will not detain the House with any argument to show the justice of the retribution thus brought upon those States by their crime. It seems like a waste of time to discuss so self-evident a proposition.

So much, then, as to the *power* of the national Government over the people and territory involved in the rebellion. What is its *duty* toward them for the good of the whole people and the future peace and stability of the Government is still another question.

In ordinary transactions in life, when we set about remedying an evil, our first step is to search for and destroy or remove its cause; or, if the cause be already removed or destroyed, then our efforts, if wise, are directed toward avoiding or preventing its recurrence.

That slavery is the cause of the present rebellion no sane man doubts; and no man whose judgment is not warped by interest or trammeled and tied down by old party bonds, and perverted by old party dogmas, will deny or even cavil about it. And it is equally clear to all thinking men whose minds are free to think correctly upon this subject, that the insurgents will continue the war upon this Government so long as there remains a vestige of the accursed institution to fight for, and they have an army left in the field.

Yes, sir, slavery has hung upon the nation like an incubus ever since it has had an existence. It is no part of the body-politic of the nation. It is an excrescence upon it, a horrible disease that has been festering upon its surface, enfevering the entire system, until at last it has struck at the very vitals of the nation; and unless destroyed and entirely removed the body must die.

As in the animal economy, when any portion of the body is so diseased that the functions of life and growth are materially interfered with, so in this. If there be sufficient vitality remaining, there will be formed what the surgeons call a line of demarkation between the diseased flesh and the healthy, and the former dies and sloughs off, and the body is saved. And as in such cases the skillful surgeon watches for this indication of nature, and when it appears, at once amputates the diseased part, and thus aids nature in restoring the body to health, so in this case the line of demarkation formed, and by the breaking out of the rebellion it became clearly delineated upon the body-politic. The diseased portion—slavery—at once commenced to die and slough off. The President, like the skillful surgeon, although perhaps a little tardy, applied the knife of emancipation; but it remains for Congress to finish the operation. Let us complete the work with a bold hand and strong nerves, and at once and forever remove this poisonous ulcer, this vile excrescence, from the body of the nation, and thus not only save its life, but restore it to renewed health and vigor. To aid in bringing about this result is still another feature of this bill.

I have said that slavery constitutes no part of the body-politic. That is so. It is no part of the national Government. It is neither head, body, limb, hand, nor foot, and constitutes none of its vital functions. The Constitution and the Government are complete without it. What branch of the Government cannot be conducted without the existence of slavery? What part of the motive power, what portion of the fundamental framework or machinery of the Constitution do you remove or interfere with by destroying slavery?

The fundamental elements of the Constitution are those which establish the principles and policy upon which the Government shall be conducted. Slavery was not among the principles thus established. Neither did it constitute any part of the policy upon which the Government was to be conducted. It existed before the Constitution, and that instrument silently suffers its continuance.

Simply that and nothing more. This being the case, how can it be said that we cannot have "the Constitution as it is" unless slavery is reëstablished, or at least permitted, in all the territory in which it formerly existed?

That slavery exists by virtue of State laws alone, is a proposition which cannot be, and I believe is not, controverted. Therefore, when those laws cease, no matter by what means, the shackles of the slave fall from his limbs and he is a free man, and that without, and, if you please, in spite of presidential proclamations, and without any legislative or constitutional enactments whatsoever.

As I have before shown, the constitutions and laws of the States in rebellion have ceased to exist, and the people are remitted to their original right to organize new State governments under the Constitution and laws of the Union. As one of the results of this state of things, slavery has ceased to exist. The only object and purpose to be effected now by congressional enactment and constitutional amendment is to prohibit its reestablishment forever; and while we are about it, let the prohibition be universal throughout the entire length and breadth of the national boundaries.

That it is the duty of the Government to do this has become too well established to even admit of argument. It has been adjudicated and determined by the verdict and judgment of the people. It is right in and of itself. It is just, and the people demand that it shall be done. If this Congress does not take the initiative, the next will be composed of men who will. The people are awake to this subject and understand its merits. They are moving, and in the right direction, and almost unanimously in the same direction, that of right, of justice, and of humanity.

True, there still exists a remnant of a once powerful party, but now weak and insignificant in numbers, which from interest or blind party prejudice, or both, still clings to the failing fortunes and tottering form of slavery, and seems determined to "sink or swim, survive or perish" with it. And notwithstanding that the vanishing demon, proud and self-sufficient even in the very jaws of death, derides their sycophantic fidelity, while it accepts the fruits of their coöperation, yet, with all the tenacity (but none of the purity) of the love and fidelity of Ruth toward her mother-in-law, upon bended knees and with outstreched arms they beseech their once powerful protector as Ruth besought Naomi:

"Entreat me not to leave thee, or to return from following after thee; for whither thou goest, I will go; and where thou lodgest, I will lodge; thy people shall be my people, and thy God my God; where thou diest, will I die, and there will I be buried: the Lord do so to me, and more also, if aught but death part thee and me."

Sir, in respect to slavery and the slave power, we are in the midst of *revolution*. This proposed legislation and this discussion are because we are involved in revolution, and are themselves parts of it. In respect to slavery, it is not *change* merely that is taking place, it is *radical substitution*; and of what? Of freedom for slavery; and why? Because slavery proved itself inimical to civil liberty, to the Constitution, and to republican institutions.

The slave power, not content with the enslavement of its immediate victims, insisted upon and for a long series of years was conceded the control of the Government, and the enslavement in fact of all its energies, its power, its wealth and its emoluments. At length, through congressional enactments controlled by its interests, and subsidized judicial decisions in furtherance of its purposes, its encroachments became intolerable; and a cry went up from the great body of the people of the free States, and from many in the slave States, against the aggressions of the slave power, and demanded that it should confine itself to its own particular domicile, and not stretch its arms over the entire nation, and attempt to control the liberties of the entire people. It was the voice of Liberty, demanding of this modern Pharaoh to "let the people go." But, like its ancient prototype, its heart was hardened, and it refused. At length the people arose in their might and asserted their right under the Constitution to rule, and said to the slave power, "Henceforth this Government shall be in truth what it is in form, a Government by the people, and you may exist forever, if you will, where you are, but no further shall you go."

Then the slave power rebelled, and, like the ancient Egyptians, sought to destroy the nation it could no longer enslave. For a time we seemed to be drifting about, we scarcely knew whither. But the pillar of cloud by day and of fire by night kept us on our way. Slavery, however, lay before us, stretched out across our pathway, and, like the Red sea before the ancient Israelites, seemed an impassable barrier to our further progress, while the hosts of the enemy were threatening death and destruction in our rear.

At length the President of the United States, in obedience to a Power mightier than he, like Moses of old, stretched out his hand over the sea, and a strong east, and a north and a west wind as well, blew, and caused the sea to go back and the waters to be divided, and we went into the midst of the sea upon dry ground; and now those dark waters of slavery that seemed an impassable barrier to us have become a wall of protection unto us, on our right hand and on our left.

The hosts of rebeldom, impelled by the same unseen power, are still pursuing, even into the midst of the sea, where certain destruction awaits them. Already are they troubled. Their chariot wheels are taken off that they drive them heavily. Soon the waters will come again—ay, are coming now in the form of a hundred thousand armed men that once were their slaves—upon them, upon their chariots, and upon their horsemen, and all the hosts of the rebellion that shall have come into the midst of the sea after us, together with all those that voluntarily adhere to them, will be ingulfed by the closing waters and utterly destroyed, and there shall not remain so much as one of them! And this people shall walk upon dry land, and emerge into renewed national life and vigor, holding an unbroken Union in the one hand, and in the other liberty undefiled and unadulterated, liberty without contradictions, liberty regulated by law, liberty that makes a people free indeed.

Mr. DONNELLY obtained the floor, but yielded to

Mr. O'NEILL, of Pennsylvania, who moved that the House adjourn.

The motion was agreed to.

The House accordingly (at ten o'clock and fifty minutes, p. m.,) adjourned until Monday morning.

IN SENATE.

MONDAY, *May* 2, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of Saturday was read and approved.

PETITIONS AND MEMORIALS.

Mr. GRIMES. I present the petition of Commanders James F. Armstrong, William Ronckendorff, G. H. Cooper, and Lieutenant Commanders McCauley, Potter, McDougal, Temple, Chandler, and a great many other officers of the Navy, who represent that for more than twenty years the number of commanders in the Navy was ninety-seven and that of captains sixty-five, the vessels of our Navy then numbering less than one hundred, and these officers were not deemed too many for the exigencies of the service; and yet at a time when the Navy is being enlarged three-fold in men and ships and subordinate officers, the grade of commander was reduced to seventy-two and that of captain to thirty-six. The result has been to stop promotion among commanders and lieutenant commanders. They say that while the duties and responsibilities of these grades are considerably increased, they are imposed on officers of inferior rank; that is to say, it is required of lieutenant commanders to fill the place of commanders and of commanders that of captains. They represent that we have lieutenant commanders in some instances commanding frigates and serving as fleet captains to large squadrons and filling the duties of captains—their labors alone and not their rank with its immunities at all increased. The pay, too, of these grades was at the same time materially reduced. Feeling aggrieved as the case now stands, they earnestly beg that these two grades of captain and commander may be increased at least to their old figures, which would not increase the aggregate expenses of the Navy, provided the lieutenant commanders, now one hundred and forty-four in number and found by experience to be excessive, be reduced to the necessary limit. I move that the petition be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. CONNESS. I suggest to the honorable Senator that some instruction should go with that petition to the committee.

Mr. GRIMES. I trust there will be no necessity for any instruction on the subject. Let it be simply referred to the committee without instructions. It is not usual, I believe, to accompany the reference of a petition with instructions.

Mr. CONNESS. I was going to suggest that the committee be directed to report at an early day. I think that is entirely in order and usual; and I make that motion.

The PRESIDENT *pro tempore*. The petition has already gone to the committee.

Mr. HOWARD presented a petition of citizens of Livingston county, Michigan, praying for an increase of the duty on imported wool to at least fifteen cents per pound; which was referred to the Committee on Finance.

Mr. SUMNER presented a petition of men and women of Belgrade, Maine, praying for the abolition of slavery, and such an amendment of the Constitution as will forever prohibit its existence in the United States; which was referred to the select committee on slavery and freedmen.

Mr. CONNESS presented a telegraphic dispatch to him, from citizens of San Francisco, California, in relation to an extension of the time for payment of duty on goods in bond; which was referred to the Committee on Finance.

He also presented a memorial of James W. Nye and other territorial officers and citizens of the Territory of Nevada, praying for such amendments to the act authorizing the people of that Territory to form a constitution and State government as will change the time of voting on the question of adopting such constitution from the second Tuesday in October to the first Wednesday of September of the present year, the day of the general election in that Territory, and that so much of said act as inhibits the taxing of lands until three years after sale by the Government may be repealed; which was referred to the Committee on Territories.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, transmitting, in answer to a resolution of the Senate of the 27th ultimo, information in regard to the condition of affairs in the Territory of Nevada; which, on motion of Mr. WILKINSON, was referred to the Committee on Territories, and ordered to be printed.

REPORTS FROM COMMITTEES.

Mr. FOSTER, from the Committee on Pensions, to whom was referred the petition of Isaac Reede, a soldier in the war of 1812, praying for a pension, submitted an adverse report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Helen M. Stansbury, widow of Major Howard Stansbury, of the corps of topographical engineers of the United States Army, praying for a pension, submitted an adverse report; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Mrs. Jane M. McCrabb, widow of Captain John W. McCrabb, praying for arrears of pension, submitted an adverse report thereon; which was ordered to be printed.

Mr. WILLEY. The Committee on Naval Affairs, to whom was referred the petition of Alfred A. Belknap, a paymaster in the United States Navy, praying to be relieved from all responsibility for a certain sum of money belonging to the United States which was stolen from him in the city of New York in April, 1863, have directed me to make a written report asking to be relieved from the further consideration of the petition for the present. I move that the report be printed.

The report was agreed to, and ordered to be printed.

Mr. DOOLITTLE, from the Committee on Indian Affairs, to whom was referred a bill (S. No. 225) for the relief of certain friendly Indians of the Sioux nation in Minnesota, reported it with amendments.

BILLS INTRODUCED.

Mr. WILSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 263) to grant one million acres of public lands for the benefit of public schools in the District of Columbia; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 49) to provide additional ground for a cemetery at the Soldiers' Home; which was read twice by its title.

Mr. WILSON. I move the reference of this resolution to the Committee on Military Affairs. It will be remembered that Congress authorized the President to procure grounds in and about Washington in which to bury our deceased soldiers, and certain grounds were taken near the Soldiers' Home. Six thousand soldiers are now buried there, and additional lands are wanted. The grounds adjoining should be taken if needed. I understand there is some opposition to those grounds being taken, and the idea is to start a new cemetery over the river. The spot where our soldiers are buried will be of intense interest to this capital for ages to come. It is proposed to send the deceased soldiers who may hereafter die over the river to be buried. I hope that we shall have but one burying-ground near the capital for the soldiers that may fall or die in the war. I move the reference of the resolution to the Committee on Military Affairs and the Militia.

The motion was agreed to.

PRINTING OF AN AMENDMENT.

Mr. WILKINSON submitted an amendment to the bill (H. R. No. 159) for a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State; which was referred to the Committee on Public Lands, and ordered to be printed.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. NICOLAY, his Secretary, announced that the President had approved and signed, on the 29th of April, the following acts:

An act (S. No. 66) to increase the compensation of inspectors of customs in certain ports; and

An act (S. No. 181) in reference to donation claims in Oregon and Washington.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House of Representatives had passed a bill (No. 405) to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes; in which it requested the concurrence of the Senate.

The message further announced that the House of Representatives had agreed to the first, second, third, fourth, fifth, sixth, and tenth amendments; and disagreed to the ninth amendment of the Senate to the bill of the House (No. 198) making appropriations for the support of the Army for the year ending the 30th of June, 1865; and it had agreed to the seventh and eighth amendments of the Senate to the said bill, with amendments, in which it requested the concurrence of the Senate; also, that the House of Representatives had made two amendments to the text of the bill, in which amendments it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House of Representatives had signed the following enrolled bills; which were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 47) for the relief of William C. Walker and others;

A bill (H. R. No. 388) for the relief of Jesse Williams; and

A bill (H. R. No. 371) for the relief of the settlers upon certain lands in California.

ARMY APPROPRIATION BILL.

The Senate proceeded to consider its amendments to the bill of the House (No. 198) making appropriations for the support of the Army for the year ending the 30th of June, 1865, disagreed to by the House of Representatives, with the amendment of the House to the seventh and eighth amendments of the Senate to the said bill, and the amendments of the House to the text of the bill; and

On motion of Mr. FESSENDEN, it was

Ordered, That they be referred to the Committee on Finance.

INTERNAL REVENUE BILL.

The bill (H. R. No. 405) to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes, was read twice by its title, and referred to the Committee on Finance.

Mr. FESSENDEN. I wish to move that an extra number of copies of that bill be printed for distribution. I do not know how many, but I suppose the motion must go to the Committee on Printing.

The PRESIDENT *pro tempore*. It must go there unless by the unanimous consent of the Senate.

Mr. WILSON. I think there will be unanimous consent.

Mr. FESSENDEN. I will move that one thousand extra copies of the bill be printed for the use of the Senate, and, if there be no objection, I will ask for action upon the motion now.

The motion was agreed to.

Mr. FESSENDEN. I move that these extra numbers be printed in pamphlet form, as that will be the better form for distribution.

Mr. SHERMAN. That will cost more, as the type will have to be reset.

Mr. FESSENDEN. I am informed that that will add to the expense, and I withdraw the motion.

SOLDIERS' HOME.

Mr. HALE. I submit the following resolution, which I desire to have considered in connection with a joint resolution introduced by the Senator from Massachusetts this morning:

Resolved, That the Committee on Military Affairs and the Militia be instructed to inquire into the expediency of continuing the relief to soldiers at the Soldiers' Home, inquiring into the manner in which the funds for the said institution have been managed, the present condition of the same, and also whether the benevolent purposes of the Government in establishing the same might not be better carried out by repealing the law, abandoning that mode of relief, and substituting therefor pensions to those at present by law entitled to its benefits.

The resolution was considered by unanimous consent, and agreed to.

RIGHTS OF COLORED VOLUNTEERS.

Mr. SUMNER. I ask the Senate to take up a resolution that I offered on Saturday calling on the President for certain papers, which was objected to by the Senator from Kentucky, [Mr. POWELL.]

Mr. DAVIS. What is that resolution?

Mr. SUMNER. A call on the President for certain papers.

Mr. DAVIS. Let it be reported.

The Secretary read the resolution, as follows:

Resolved, That the President of the United States be requested to furnish to the Senate, if not incompatible with the public interests, a copy of any opinion by the Attorney General on the rights of colored persons in the Army or volunteer service of the United States, together with the accompanying papers.

The motion to take up the resolution for consideration was agreed to.

Mr. SUMNER. I wish to call attention to the character of that opinion by reading two sentences from it.

Mr. GRIMES. There is no objection to the resolution.

Mr. SUMNER. Of course there will be no objection to it; but I merely wish to call attention to the character of the opinion. It relates to a question that has been much discussed in the Senate during this session, and on which there have been opposite opinions. Certain Senators have alleged, on grounds of law and of Constitution, that the colored soldiers had no rights to equality in the Army or volunteer service of the United States. We have now the opinion of the Attorney General to this effect:

"I do not know that any rule of law, constitutional or statute, ever prohibited the acceptance, organization, and muster of persons of African descent into the military service of the United States as enlisted men or volunteers."

And then, in another part of this opinion, after referring to the proviso regulating the pay of soldiers of African descent, he says as follows:

"The act of which the proviso is a part was not intended, in my opinion, either to authorize the employment or to fix the pay of any persons of African descent except those who might be needed to perform the humble offices of labor and service for which they might be found competent."

I understand that this opinion is accompanied by certain papers, among others an important letter from Governor Andrew, of Massachusetts, which ought to be printed in connection with the opinion that the whole case may be fairly understood.

The resolution was adopted.

RANCHO BOLSA DE TOMALES.

Mr. CONNESS. I move to postpone all prior orders for the purpose of taking up Senate bill No. 216. It is a bill that will occupy but very little time. It has been reported from the Committee on Public Lands.

The motion was agreed to; and the bill (S. No. 216) to grant the right of preëmption to certain settlers on the Rancho Bolsa de Tomales, in the State of California, was read the second time, and considered as in Committee of the Whole. It provides that it shall be lawful for the Commissioner of the General Land Office to cause the lines of the public surveys to be extended over the tract of country known as the Rancho Bolsa de Tomales, in Marin county, California, the claim to which, by James D. Galbraith, has been adjudged invalid by the Supreme Court of the United States, and to have approved plats thereof duly returned to the proper district land office; but the actual cost of such survey and platting is first to be paid into the surveying fund by settlers, according to the requirements of the tenth section of the act of Congress approved May 30, 1862, to reduce the expenses of the survey and sale of the public lands in the United States.

After the return of such approved plats to the district office, it is to be lawful for individuals, settlers upon the Rancho Bolsa de Tomales, to enter, according to the lines of the public surveys, at $1 25 per acre, the land settled upon by them to the extent to which the same had been reduced to possession at the time of the adjudication of the Supreme Court, joint entries being admissible by conterminous proprietors, in order that their respective boundaries may be adjusted in accordance with their several possessions.

All claims within the purview of this act are to be presented to the register and receiver within twelve months after the return of such surveys to the district land office, accompanied by proof of settlement, and the extent to which the tracts claimed had been reduced into possession at the time of the adjudication; and thereupon each case is to be adjudged by the register and receiver, under such instructions as shall be given by the Commissioner of the General Land Office, to whom the proof and adjudication are to be returned by the local land office, and no adjudication is to be final until confirmed by the Commissioner; but the confirmation by the Commissioner is to be conclusive and final between conterminous proprietors, and the correctness thereof is not to be open to contestation in any action at law or suit in equity between them or between parties claiming under them by title subsequent; but any claim not brought before the register and receiver within twelve months is to be barred, and the lands covered thereby, with any other tracts within the limits of the rancho, the titles to which are not established under this act, are to be dealt with as other public lands, but subject to the adjudicated boundaries of the claims which are presented within the limit of the time prescribed. No person under the provisions of this act is to be allowed to enter a greater quantity of land than three hundred and twenty acres.

Mr. CONNESS. A few words to explain this bill. It has been reported by the Committee on Public Lands favorably. It is a bill to enable the settlers upon what was an alleged Spanish or Mexican grant in California to obtain their lands from the United States, the grant having been rejected by the Supreme Court of the United States, and they having settled upon the land and made their improvements and homes there. There are no counter rights to be affected by it.

Mr. JOHNSON. I ask the honorable member from California if the title to the rancho has been settled by any judicial decision in any controverted case.

Mr. CONNESS. Yes, sir; and rejected by the Supreme Court.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TRADE ON THE NORTHERN FRONTIER.

Mr. MORRILL. I ask the Senate now to take up and consider at this time Senate bill No. 223.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 223) to regulate the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, and for other purposes.

It provides that any boat, sloop, or other vessel of the United States, navigating the waters on our northern, northeastern, and northwestern frontiers, otherwise than by sea, shall be enrolled and licensed in such form as may be prescribed by the Secretary of the Treasury; which enrollment and license is to authorize any such boat, sloop, or other vessel to be employed either in the coasting or foreign trade; and no certificate of register is to be required for vessels so employed on those frontiers; but such boat, sloop, or vessel is to be, in every other respect, liable to the rules, regulations, and penalties now in force relating to registered vessels on our northern, northeastern, and northwestern frontiers.

In lieu of the compensation provided by the fourth section of the act of March 2, 1831, to regulate the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, and for other purposes, each of the several collectors of customs in the following districts: Pembina, Chicago, Milwaukee, Sault Saint Marie, Detroit, Miami, Sandusky, Cuyahoga, Presque Isle, (hereafter to be called Erie,) Dunkirk, Buffalo, Niagara, Genesee, Oswego, Cape Vincent, Oswegatchie, Champlain, and Vermont are to receive an annual compensation of $1,000, and, in addition thereto, the fees now collected under the general regulations of the Treasury Department of February, 1857, and a commission of three per cent. on all moneys collected and accounted for by them respectively; but the aggregate compensation derived from salary, fees, and commissions is not in any case to exceed the sum of $2,500 per annum, subject to the provisions of the act relative to collectors and other officers of the customs, approved February 11, 1846. Whenever the aggregate of salary, fees, and commissions in any case exceeds the sum of $2,500, after deducting the necessary expenses incident to the office, for and during the same period for which the compensation is allowed, the excess is, in every such case, to be paid into the Treasury of the United States. The fees and emoluments of all kinds are to be accounted for as provided by the twelfth section of the act of the 7th of May, 1822.

The collectors and other officers of customs on the frontiers are to be authorized to charge and collect the same fees as are now allowed by law to be charged and collected by the collectors and other officers of customs.

All the territory, harbors, and waters on the eastern shore of the State of Wisconsin, bordering on Lake Michigan, heretofore embraced in the district of Michilimackinac, and lying within the limits of the State of Wisconsin, are attached to and made a part of the collection district of Milwaukee, in the State of Wisconsin.

There are to be designated and appointed in the mode provided by law two local inspectors of steamboats for the collection district of Oregon, at an annual compensation of $500 per annum, to be paid as provided by law in the case of other like inspectors.

All bonds given by collectors of customs, naval officers, surveyors, and by all officers of the customs throughout the United States are to be approved by the Commissioner of Customs, in whose office they are now required to be filed.

This bill is to take effect from and after June 30, 1864.

The act entitled "An act to regulate the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, and for other purposes," approved March 2, 1831, and all other acts or parts of acts inconsistent with this act are to be repealed.

The PRESIDENT *pro tempore*. The first question will be on the amendments reported from the Committee on Commerce.

Mr. POWELL. I should like the gentleman having the bill in charge to explain the effect of the law this bill proposes to repeal—I do not know what it is—and whether it confers on these vessels any greater privileges, before we proceed to act upon the amendments.

Mr. MORRILL. Perhaps I ought to explain the general character of the bill. The Senate will perceive that it relates entirely to the commerce on the northern, northeastern, and northwestern frontiers. It has no application to the sea-coast. In answer to the inquiry of the Senator from Kentucky, I will state that it repeals the act of 1831, and provides otherwise than that act did for the commerce in that section of the country. By the second section of that act it will be seen that British colonial boats, vessels, &c., entering these waters were placed upon precisely the same terms as American vessels. This bill changes that rule, and places British vessels navigating the lakes upon precisely the same footing with British vessels navigating the seas.

The second section of the act of 1831 provided for licensing vessels upon the northern, northeastern, and northwestern frontiers; but it was not uniform with the system adopted upon the coast. This bill repeals that section, and, as will be seen by the first section, provides that they "shall be enrolled and licensed in such form as other vessels." The only effect of this is to produce entire uniformity. I am not aware that in the question of fees or emoluments or anything of that sort it makes the slightest difference.

The fourth section of the act of 1831 provided for the compensation of these officers; and it will be seen by reading the section that it is quite difficult to know what that compensation is. The section is in these words:

"That in lieu of the fees, emoluments, salary, and commissions now allowed by law to any collector or surveyor of any district on our northern, northeastern, and northwestern lakes and rivers, each collector or surveyor, as aforesaid, shall receive, annually, in full compensation for these services, an amount equal to the entire compensation received by such officer during the past year."

That is to say, if we wish to find out what shall be the salary of any of these officers for any future year, we must ascertain what their salary was for 1830. How is that to be ascertained? The compensation of these officers is made up principally by fees, fines, forfeitures, &c., which they collect. The custom-house officers upon the lakes were peculiar in that respect. They had no fixed salary. Their compensation, therefore, depended entirely upon what they could collect from fines, forfeitures, &c., and it was various. This bill provides that at certain points, enumerating them, ten in number, I think, along the northern and northeastern coast, they shall receive a compensation of at least $1,000 a year, and they shall have such compensation as arises from commissions.

Mr. POWELL. Does that make their pay greater or less than the compensation they have heretofore received?

Mr. MORRILL. It is greater in some respects, and less in others. It has been very disproportionate. At Buffalo, Oswego, and some other points, the compensation was very large, while at other points it was merely nominal, demanding no service and securing no fidelity. This bill goes upon the idea that if it is important to protect the commerce of that section of the country it is important to secure the services of men worth at least $1,000 per annum.

Mr. COLLAMER. As collectors?

Mr. MORRILL. Yes, sir. The committee believe that the commerce on that frontier is, particularly at this time, of such importance as to demand an agent in the interest of the Government who is worth at least in that business $1,000. We say, therefore, that at certain points, taking into consideration the importance of those points as we have been able to ascertain them, there may be custom-house officers appointed whose salaries shall be $1,000 per annum, and as much more as they are able to collect out of certain emoluments that are established by the general law of the country. That is the provision of the second section of the bill.

Mr. COLLAMER. That includes all the northern frontier?

Mr. MORRILL. The whole northern, northeastern, and northwestern frontiers.

One other thing, and then I have stated the whole effect of the bill. The custom-house officers on the interior lakes have never had the same compensation and fees as the custom-house officers on the coast. There has been a distinction. We abolish that distinction by the third section of this bill, which is in these words:

That the collectors and other officers of customs on the said frontiers shall be authorized to charge and collect the same fees as are now allowed by law to be charged and collected by the collectors and other officers of customs.

So that in this respect, as in the respect I have already stated in regard to registering vessels, it makes entire uniformity throughout. This, I believe, is a succinct statement of the effect of this bill.

Mr. HARDING. Will the Senator inform me why the committee propose to strike out the fifth section of the bill?

Mr. MORRILL. I omitted that. The fifth section provides for the appointment of two local inspectors of steamboats for the collection district of Oregon. That was not congruous to this bill; and upon consultation with the Secretary of the Treasury he consented, or rather recommended, that that section should be stricken out with a view of providing for the matter contained in the section, which he recommends as a necessity, in connection with the establishment of similar officers at other points. There is a bill already reported in the other branch of Congress which makes the same provision, and for that reason we propose to strike this fifth section out of the present bill. The first amendment of the committee was in section one, line six, after the word "as" to strike out the words "may be prescribed by the Secretary of the Treasury," and to insert "other vessels;" so that the clause will read:

That any boat, sloop, or other vessel of the United States, navigating the waters on our northern, northeastern, and northwestern frontiers, otherwise than by sea, shall be enrolled and licensed in such form as other vessels.

The amendment was agreed to.

The next amendment of the committee was in section one, line nine, after the word "trade" to insert "on said frontiers;" so that the clause will read:

Which enrollment and license shall authorize any such boat, sloop, or other vessel to be employed either in the coasting or foreign trade on said frontiers.

The amendment was agreed to.

The next amendment of the committee was in section one, line fourteen, after the word "registered" to insert "and licensed," and after the word "vessels" to strike out "on our northern, northeastern, and northwestern frontiers;" so that the proviso will read:

Provided, That such boat, sloop, or vessel shall be, in every other respect, liable to the rules, regulations, and penalties now in force relating to registered and licensed vessels.

The amendment was agreed to.

The next amendment of the committee was to strike out the fifth section of the bill, in the following words:

SEC. 5. *And be it further enacted*, That there shall be designated and appointed, in the mode provided by law, two local inspectors of steamboats for the collection district of Oregon, at an annual compensation of $500 per annum, to be paid as provided by law in the case of other like inspectors.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading; was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House of Representatives had passed a bill (No. 377) making appropriations for the payment of the awards made by the commissioners appointed under and by virtue of an act of Congress entitled "An act for the relief of persons for damages sustained by reason of the depredations and injuries by certain bands of Sioux Indians," approved February 16, 1863.

The message further announced that the House of Representatives had passed the bill of the Senate (No. 198) to aid the Indian refugees to return to their homes in the Indian Territory.

The message further announced that the House of Representatives had concurred in the amendments of the Senate to the following bills of the House:

A bill (No. 119) to regulate the admeasurement

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of tonnage of ships and vessels of the United States; and

A bill (No. 220) to vacate and sell the present Indian reservations in Utah Territory and to settle the Indians of said Territory in the Uinta valley.

BILLS BECOME LAWS.

The message also announced that the President of the United States had approved and signed on the 29th of April the following acts and joint resolution:

An act (H. R. No. 62) fixing certain rules and regulations for preventing collisions on the water;

An act (H. R. No. 367) to provide for the collection of hospital dues from vessels of the United States sold or transferred in foreign ports or waters;

An act (H. R. No. 408) for the relief of postmasters who have been robbed by confederate forces or rebel guerrillas; and

A joint resolution (H. R. No. 67) to increase temporarily the duties on imports.

CLAIMS OF WISCONSIN.

Mr. HENDRICKS. I ask the Senate to suspend all prior orders and take up the joint resolution (S. No. 8) for the relief of the State of Wisconsin.

The motion was agreed to.

Mr. SHERMAN. If it is in order, I will move to discharge the Committee on the Judiciary from the further consideration of the resolution in regard to a quorum, with a view to have it before the Senate. I do not propose to press it to a vote now; but I should like to have the committee discharged from its further consideration. I will state very frankly the reason why I make this motion. The chairman of the committee [Mr. TRUMBULL] is detained from his seat by illness in his family, and will not be here for some time. The Senator from New York, [Mr. HARRIS,] who is also a member of that committee, is also absent, and it is scarcely worth while for us to wait for the report of that committee. I therefore move to discharge the Committee on the Judiciary from the further consideration of the resolution, so that it may lie on the table, and I shall call it up for a vote at some future day.

The PRESIDENT *pro tempore*. It can only be done by unanimous consent, another subject being before the Senate.

Mr. DAVIS. That is a matter of such fundamental importance that I think it absolutely indispensable that the report of the Committee on the Judiciary should be made on the subject.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky object?

Mr. DAVIS. Yes, sir, I object.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. No. 8) for the relief of the State of Wisconsin.

Mr. HENDRICKS. I shall not take up the time of the Senate to explain the merits of the measure before the Senate unless objection be made to it. If Senators do not wish to discuss it, I do not. I think it is plainly the right of that State to have her fund.

Mr. FESSENDEN. Perhaps we may as well take up the subject at the present as at any other time, but there are only ten minutes left of the morning hour, and I wish to say something to the Senate upon it. I think it hardly worth while to take it up for ten minutes.

The PRESIDENT *pro tempore*. The resolution is already before the Senate.

Mr. HENDRICKS. I desire to state to the Senator from Maine that after this evening I am compelled to be out of the city for a few days, and I should like very much to have this resolution disposed of to-day if possible.

Mr. FESSENDEN. I thought the Senator was not disposed to say anything about it.

Mr. HENDRICKS. I do not care to discuss it unless objection be made to it.

Mr. FESSENDEN. I have some objection to it; but I do not wish to interfere with the Senator if he is going away.

Mr. HENDRICKS. If a vote cannot be had to-day, I do not care about taking it up; but I hope the Senate will continue the consideration of it until it is disposed of.

Mr. GRIMES. You have only got ten minutes.

Mr. HENDRICKS. I hope the Senate will extend the time and pass it to-day. If this resolution should not pass at an early day, there is great doubt about its receiving the consideration of the House of Representatives, and it is a matter that ought to be disposed of. It has been hanging for some time in an unsettled condition, and it is the right of the State of Wisconsin, I think, to have this money.

The resolution, in the first place, provides that the accounts of the State of Wisconsin for her five per cent. fund shall be adjusted in the Interior Department, and the amount found due to her shall be paid, deducting what she and the Territory of Wisconsin have received upon the sale of one hundred and twenty-five thousand acres of land, under what was known as the canal land grant of 1838, subject to a credit, however, for the amount of money expended by the Territory and State upon that work; and also providing for an adjustment of equities of the canal company in respect to that grant.

I received, Mr. President, a communication from the Commissioner of the General Land Office, informing me that the amount due to the State of Wisconsin upon her five per cent. fund, in 1861, was $249,768 70, and that the adjustment up to 1862, added $370 41, making the entire amount at the close of the year 1862, $250,139 11; and I presume, as the Commissioner has not informed me of any subsequent adjustment of the accounts, that none has been made since 1862; and it is known to Senators that the sales of the lands since 1862 have been so inconsiderable that probably a subsequent adjustment will add but very little to this amount, so that the amount in round numbers is $250,000, due to the State of Wisconsin upon her five per cent. fund.

In 1838 there was chartered by the Territory of Wisconsin a corporation known as the Milwaukee and Rock River Canal Company. The charter of the Territorial Legislature authorized the company to apply to Congress for a grant of lands to aid in the construction of the work. That application was made by the company, pursuant to the provisions of the charter, in the summer of 1838. Congress receiving the petition, made an appropriation or grant of lands of alternate sections, which would have amounted, I believe, to about two hundred thousand acres if the entire amount had been received by the Territory. This grant was made to the Territory, but for the benefit of the canal company. The company was organized. There was a subscription of stock, and money was paid in by the subscribers in the expectation that this land would be used to aid in the construction of the work, and would secure its completion at an early day. According to the charter and the land grant, the Territory of Wisconsin became the trustee for the benefit of the canal company; the company was the beneficiary; and it was provided in the charter that the State of Wisconsin after her admission into the Union should have the right to buy out the stockholders, and that this canal should become the property of the State of Wisconsin, but that the State should impose no tolls except so far as would be necessary to maintain the canal and pay expenses. The act of Congress of 1838 granting the land to the company, in view of that provision of the charter provided that if the State purchased the canal from the company and made it a free canal, she should not be required to pay to the company the cost of the canal so far as that cost was paid out of the proceeds of these lands; but that if the State failed to buy the canal from the company and to pay the stockholders their subscription and the interest upon it, then the dividends upon the State stock derived from the sale of these lands and any other portion of the proceeds of the sales of the granted lands should go to buy out the company and to pay the stockholders. This was the equity of the company.

In 1842 the Territorial Legislature of Wisconsin became dissatisfied with its connection with the grant as trustee and its responsibility as such, and petitioned Congress to relieve it from all responsibility about it, and that these lands should be used for general purposes of internal improvement in the Territory, or that the State should repeal the grant. That came before the House of Representatives in 1842, and the chairman of the Committee on Public Lands, now a Senator of this body, the Senator from Michigan, [Mr. HOWARD,] made a very able and elaborate report on the subject, in which he said that because of the provisions of the charter and because of the provisions of the land grant itself, the canal company had acquired a vested right which could not be disturbed by the joint action of the Territorial Legislature and of Congress, that the company was interested in that land grant to secure a completion of the work, that subscriptions were made to the work by stockholders in the expectation that the land grant would go to secure a completion of the canal, that their stock depended in its value upon the completion of the canal, because if it was left incomplete and unfinished the stock would be worthless; if it was a completed work by the use of the granted land, then their stock would be valuable. This was the argument of the chairman of the Committee on Public Lands, in the House of Representatives, in 1842, and that report resulted in the adoption of this resolution by the House of Representatives.

"*Resolved*, That Congress ought not to interfere with the act of cession without the consent of the Milwaukee and Rock River Canal Company."

I ask the privilege of the Senate to read very briefly from the report made to the House of Representatives in 1842, by the present Senator from Michigan:

"A more important question arises. The company have refused their assent to this proposition of the territorial Legislature; and the inquiry presents itself whether, without that assent, the Federal Government can rightfully exercise the supposed power of repealing the act of cession. From the recitals made above from the charter, and from the act of June 18, it is manifest that the company have an interest in the proceeds of the lands. They constitute an estate in trust, the use of which is to be enjoyed by the company under its charter. The Territory, as a party, can assert no beneficial or pecuniary interest in the fund: its character is entirely fiduciary, and its rightful action can only be in subordination to the objects authorized by the charter. This grant was made for the sole purpose of aiding the company in opening the canal. To this aid, to this pecuniary benefit, they have an undoubted right. If the trustee discharge the duties which it has voluntarily assumed, if it proceed to sell the lands and expend the proceeds, conjointly with the funds of the company, in completing the work, as it is bound to do, it adds greatly to the profits of the company, who are plainly entitled to receive the accruing dividends; and it is the right to the employment of this fund in prosecuting this public improvement, and making it valuable to them—a private, pecuniary right, springing from an executed contract by the United States—that, in the opinion of the committee, erects an insuperable barrier to the repeal of the law without the consent of the company."

The PRESIDENT *pro tempore*. The Chair must interrupt the Senator to announce the order of the day.

Mr. HENDRICKS. I ask the unanimous consent of the Senate to proceed with the consideration of this measure. It will not require much time, I presume. I shall not take much of the time of the Senate in explaining what I think are the rights of the respective parties in this matter.

Mr. SHERMAN. Under the circumstances stated by the Senator from Indiana, I have not the slightest objection to have him finish his remarks, as he desires to go away this evening, but I shall object to further debate on the proposition.

Mr. HENDRICKS. I should like, of course, to hear the points that may be made against this measure.

Mr. SHERMAN. But the effect will be substantially to take the whole day from the bank bill.

Mr. HENDRICKS. If it be the pleasure of the Senate I will complete what I desire to say now.

Mr. SHERMAN. I move that the special

order be laid aside informally that the Senator may conclude.

The PRESIDENT *pro tempore*. If there be no objection, that course will be pursued. The Chair hears no objection. The Senator will proceed.

Mr. HENDRICKS. It will be observed by Senators that the Committee on Public Lands of the House of Representatives in 1842 arrived at this conclusion, that by the grant of land to the Territory of Wisconsin in 1838 the Territory became the trustee and the canal company the beneficiary, and that the Territory and Congress together could not repeal that grant so as to divest the beneficial interests of the canal company, and a resolution of the body indorsed that view of the committee.

In 1860 the question was before the Legislature of Wisconsin, and the committee on the judiciary of the Senate of the Legislature of Wisconsin made a report upon this subject, and took the same view that was taken by the Committee on Public Lands of the House of Representatives in 1842, so that the House of Representatives of the United States and the Senate of Wisconsin concur in the view that the grant was for the benefit of the canal company, and that the Territory was but the trustee to hold that grant for such benefit. But in 1844 and 1846 the territorial Legislature of Wisconsin showed a disposition to throw off the responsibility that was upon it as the trustee for the canal company, and in 1846 the territorial Legislature passed an act declaring that the Territory would no longer act as a trustee for the canal company, but that these lands should be held for another purpose, and that the money then in the treasury from the lands already sold should be appropriated, not to the construction of the canal, but to the payment of the expenses of the constitutional convention and other territorial expenses. This was the first act of direct repudiation on the part of the territorial Legislature of its obligations under the grant of 1838. From that time forward none of the funds arising from the sales of the granted lands were used in the construction of the canal, but the funds were used in payment of the expenses of the constitutional convention and other territorial expenses of the Territory of Wisconsin. But when the territorial Legislature refused further to apply the funds received from the sale of the granted lands to the construction of the canal, and violated its obligation under the trust, it had the good conscience to provide "that the faith of the Territory and future State of Wisconsin is hereby pledged to repay to the said canal fund the sum which shall be diverted in pursuance of the above resolutions to the purposes aforesaid, whenever the same shall be required to be repaid, for the purpose of executing the trust created by Congress in making the 'canal grant;' and all laws contravening these are hereby repealed." So that when the territorial Legislature said that the money received from the sale of the granted lands should be used for the payment of the territorial expenses, it said that the faith of the Territory and the faith of the new State of Wisconsin should be pledged to return to the canal fund the money which should be thus diverted.

During the same year, 1846, Congress passed an act to enable the people of the Territory of Wisconsin to form a State government and a State constitution. One of the provisions of that law I will read:

"That five per cent. of the net proceeds of sales of all public lands lying within the said State, which have been or shall be sold by Congress, from and after the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State for the purpose of making public roads and canals in the same, as the Legislature shall direct."

This is the ordinary appropriation to the western States upon their admission into the Union of five per cent. of the proceeds of the sales of the public lands; but in this case by the act of 1846 this five per cent. fund was to be used in the construction of public roads and canals in the State of Wisconsin. The constitutional convention which was organized pursuant to this enabling act met in 1848, and among other resolutions adopted these:

"1. *Resolved*, That the Congress of the United States be, and is hereby, requested, upon the application of Wisconsin for admission into the Union, so to alter the provisions of an act of Congress entitled 'An act to grant a quantity of land to the Territory of Wisconsin for the purpose of aiding in opening a canal to connect the waters of Lake Michigan with those of Rock river,' approved June 18, 1838, and so to alter the terms and conditions of the grant made therein, that the odd numbered sections thereby granted and remaining unsold may be held and disposed of by the State of Wisconsin as part of the five hundred thousand acres of land to which said State is entitled by the provisions of an act of Congress entitled 'An act to appropriate the proceeds of the sales of public lands and to grant preëmption rights,' approved the 4th day of September, 1841."

It will be recollected by Senators that under the act of 1841 the new States were entitled each to five hundred thousand acres of the public lands. This first resolution of the constitutional convention of Wisconsin asked Congress so to modify the canal grant that the unsold portion of the granted land should constitute a part of the five hundred thousand acres coming to the State of Wisconsin. The fourth resolution was:

"4. *Resolved*, That Congress be requested, upon the application of Wisconsin for admission into the Union, to pass an act whereby the grant of five hundred thousand acres of land, to which the State of Wisconsin is entitled by the provisions of an act of Congress entitled 'An act to appropriate the proceeds of the sales of public lands, and grant preëmption rights,' approved the 4th day of September, 1841, and also the five per cent. of the net proceeds of the public lands, lying within the State, to which it shall become entitled on its admission into the Union by the provisions of an act of Congress entitled 'An act to enable the people of Wisconsin Territory to form a constitution and State government, and for the admission of such State into the Union,' approved the 6th day of August, 1846, shall be granted to the State of Wisconsin for the use of schools, instead of the purposes mentioned in said acts of Congress respectively."

By the act of Congress of May 29, 1848, admitting the State into the Union, it was provided:

"That the assent of Congress is hereby given to the *first*, second, *fourth*, and fifth resolutions adopted by said convention, and appended to said constitution; and the acts of Congress referred to in the said resolutions are hereby amended so that the lands granted by the provisions of the several acts referred to in the said first and fourth resolutions, and the proceeds of said lands, and the five per cent. of the net proceeds of the public lands therein mentioned, shall be held and disposed of by said State in the manner and for the purposes recommended by said convention:"

* * * * "*Provided*, That the liabilities incurred by the territorial government of Wisconsin under the act entitled 'An act to grant a quantity of land to the Territory of Wisconsin for the purpose of aiding in opening a canal to connect the waters of Lake Michigan with those of Rock river,' hereinbefore referred to, shall be paid and discharged by the State of Wisconsin."

These are the laws to which I feel it important to call the attention of the Senate, to understand the respective rights of the General Government and of the canal company, and the obligations of the State of Wisconsin, from which the Senate will perceive that the land grant of 1838 was made by Congress to the Territory, not for its own benefit, but for the benefit of the canal company, to raise a fund to complete the construction of the canal, and after the canal should be constructed, to secure the payment to the subscribers of the money subscribed by them with seven per cent. interest thereon; that the Territory became the trustee, the canal company the beneficiary; that in 1846 the Territorial Legislature repudiated the trust, disregarded its obligation after it had in part sold the lands, and after a portion of the proceeds of the sales of those lands were in the territorial treasury it directed the appropriation to other purposes not in accordance with the obligations of the trust, and in 1846 Congress enabled the people of the Territory to form a State constitution and State government, and said to the people that they should have five per cent. of the proceeds of the sales of the public lands for the construction of roads. The convention then asked Congress to modify that so that this five per cent. should be used not for the construction of roads and canals, but for the benefit of common schools in the State of Wisconsin. Congress agreed to that, agreed that this land grant should no longer be used for the purpose of constructing the canal; Congress agreed to the application of the convention that the proceeds of these lands should not go to the subscribers of the amount of money paid in in accordance with the original obligation, but that it might become a part of the five hundred thousand acre grant under the act of 1841.

Now, what was the effect, sir, upon the canal company? It was to defeat the construction of the canal, to leave it an incomplete work; no proceeds could come from it; there could be no dividends upon the stock; the stock was left worthless upon the hands of the subscribers in consequence of the breach of the trust by the joint action of the General Government and of the Territory of Wisconsin. But when Congress agreed to this diversion of the fund it provided that the State of Wisconsin should pay to the canal company what was her due, as I construe this last provision of the law:

"*Provided*, That the liabilities incurred by the territorial government of Wisconsin under the act entitled 'An act to grant a quantity of land to the Territory of Wisconsin for the purpose of aiding in opening a canal to connect the waters of Lake Michigan with those of Rock river,' hereinbefore referred to, shall be paid and discharged by the State of Wisconsin."

What was the obligation of the Territory of Wisconsin which Congress said should be discharged by the State of Wisconsin? That obligation we find in the resolutions of 1846 passed by the Territorial Legislature, to the effect that because the Territorial Legislature had diverted this fund and had used it to pay the ordinary expenses of the territorial government, the State of Wisconsin should refund to the canal company the amount of money that was taken out of the fund. Congress said that obligation should be discharged by the State of Wisconsin, inasmuch as the Territory had disregarded the obligations of the trust, and had said that the faith of the Territory and the faith of the State should be pledged to the refunding to the fund of the amount thus diverted.

It may be claimed, sir, that under the original grant of 1838 the State of Wisconsin owes an obligation to the General Government to pay all the money that has been realized from the sale of these lands back to the general Treasury of the United States. I do not think so. From an intimation made by the Senator from Maine the other day, I think he so understands the obligation of the State of Wisconsin. I will give two or three reasons, which I think that Senator will very readily appreciate, why there is no such obligation. The language of the act of 1838 in the sixth section is:

"SEC. 6. *And be it further enacted*, That the said State of Wisconsin shall be held responsible to the United States, and for the payment into the Treasury thereof, of the amount of all moneys received upon the sale of the whole or any part of said lands, at the price at which the same shall be sold, not less than $2 50 per acre, if the said main canal shall not be commenced within three years and completed within ten years, pursuant to the provisions of the act creating said canal corporation."

The ten years expired in 1848; but this diversion took place before the expiration of that time. The money that was realized from the sales of the granted lands was diverted by the Territorial Legislature to other purposes prior to the expiration of the ten years. Now, what obligation does this impose on the State of Wisconsin? It is provided in the land grant, I admit, in the sixth section, that the State of Wisconsin shall pay to the General Government all money that shall be realized from the sale of these lands if the canal is not completed within ten years; but I ask Senators to refer to the seventh section upon this subject, in which it is provided:

"That, in order to render efficient the provisions of this act, the Legislature of the State to be erected or admitted out of the territory now comprised in Wisconsin Territory, east of the Mississippi, shall give their assent to the same by act to be duly passed."

The State of Wisconsin has never given such assent; she has never assumed this responsibility. Taking these two sections together, then, they amount to just this: that the State of Wisconsin shall be responsible to the General Government for the amount of the sales of these lands at $2 50 an acre if the canal is not completed within ten years, provided the State of Wisconsin, by an act duly passed, shall agree to this responsibility. The State of Wisconsin never did agree; she never was a trustee; she never had any obligation to complete this canal.

But there is another and a very powerful reason upon my mind why the State of Wisconsin is not responsible under this sixth section, even if the seventh section were not found in the same act; and that is, that the General Government itself was a party to the diversion of this fund from the purpose to which it was granted. If the Territorial Legislature had diverted the fund; if the Territorial Legislature had reduced the price of these lands, and had used the money for other purposes than those contemplated in the grant, there would be some force in the argument if it were not for the seventh section; but this diversion of the canal fund was agreed to by the General Government. The constitutional convention asked Congress, when it admitted Wisconsin into

the Union, to agree that this fund should be thus diverted, that the canal grant should no longer exist, but that the lands granted by the act of 1838, instead of being used as they were pledged to the canal company for the construction of the canal, for the payment to the subscribers of the money that they had invested in this work on the faith of the grant of these lands, should become a part of the grant under the act of 1841. Congress agreed that these lands should be no longer a fund for the construction of the canal; should be no longer a fund to repay to the subscribers what they had thus invested, but that these lands should become a part of the five hundred thousand acres to which the State of Wisconsin was entitled under the act of 1841. Congress itself agreed to this diversion of the fund. Can it now say to the State of Wisconsin, "You are responsible in law or equity because you have thus diverted it?" Can Congress say to the State of Wisconsin, "We will hold you responsible for the penalty, because this canal was not completed in ten years," when prior to the expiration of the ten years Congress itself said that a very material fund should be diverted from the completion of the canal? I say that in equity Congress cannot say so, without reference to the provision of the law which said that the State should not be responsible unless she agreed by an act duly passed to assume such responsibility.

Mr. President, I should like, if I had the time, to read the very able report in full which was made to the House of Representatives in 1842; but I shall not occupy the attention of the Senate long enough to do that. I beg leave, however, to call the attention of Senators to that report, which they will find incorporated in the report that I have felt it to be my duty to make to the Senate on this question. I also ask the attention of Senators to the report made by the judiciary committee, in the Senate of Wisconsin, recognizing these equities and obligations. The whole question is this: Congress, in admitting the State of Wisconsin into the Union, said to her, "You shall discharge the obligations that were upon the Territory of Wisconsin," and I ask Senators what were the obligations upon the Territory? They were the obligations of a trustee, as if I held land in trust for the benefit of the Senator from the State of Wisconsin, and I diverted the fund, I abused the trust, and instead of using the trust property according to the contemplation of the trust itself used it for another purpose. Such was the condition of the Territory of Wisconsin. She accepted this trust, because after the grant was made she by an act of her Territorial Legislature, in 1839 or 1840, appointed officers to take charge of these lands; she authorized them to sell the lands, to take charge of the funds, and to pay the funds out as the work upon the canal progressed. She accepted the trust, and accepting the trust she incurred the responsibility and obligation of a trustee for the benefit of the canal company, and in 1846, when she violated this trust, she said that her faith was pledged, and that the faith of the State of Wisconsin should be pledged to the canal company to place back in this fund the money thus diverted.

Then if Congress in admitting the State of Wisconsin imposed upon the State the obligation which rested upon the Territory, that obligation is a very plain one. The Territory was under no obligation to pay any money to the General Government. That was not in the law making the grant; and by the act of admission Congress simply required the State of Wisconsin to meet the obligations of the Territory; not any new obligation, not the obligation that might have been resting on the State of Wisconsin under the act of 1838; but Congress required the State of Wisconsin to discharge the obligations that were upon the Territory of Wisconsin. What were they? Not to refund to the national Treasury the proceeds of the sales of these lands. That was not imposed on the Territory. It was attempted by the act of 1838 to impose that obligation upon the State of Wisconsin, if she should assent thereto, by an act duly passed; but such an obligation never rested upon the Territory of Wisconsin. The Territory assumed to the canal company the obligation to pay into that fund again the money which had thus been diverted, and Congress said to the State, "If you come in under these resolutions, if you are allowed to use your five per cent. fund as a part of the school fund instead of a fund to construct roads and canals, you shall consent to discharge the obligations of the Territory toward this canal company." It seems to me to be a very plain question. It is simply, what was the obligation of the Territory toward this company? It was the obligation of a trustee, as I have already said, an obligation which she recognized in the resolutions of 1846, to refund all the money that had been diverted contrary to the letter and spirit of the act making the grant.

This was regarded, Mr. President, as a very important grant to the Territory of Wisconsin, then sparsely settled. It was desired by the Territorial Legislature to encourage settlement in that portion of the Territory between Milwaukee and Rock river, and for that purpose this corporation was established by the charter, with authority to come to Congress to secure this grant. It was not the Territory that applied to Congress; it was the corporation that applied to Congress for the grant of lands, pursuant to a recommendation in the charter. The corporation got the grant for its benefit, recognized to be for its benefit everywhere, plainly for its benefit, so recognized by the United States House of Representatives in 1842, so recognized by the judiciary committee of the Senate of Wisconsin in 1860. It procured the grant and enjoyed it until 1846, when the Territorial Legislature said, "We will use this money not to complete this canal, but to pay the expenses of the Territory." It was so used; but the Legislature said, "We will refund this; we will pay it back to this fund." And Congress said to the State when the State was admitted, "You shall assume the obligation and responsibility that is upon the Territory;" and that was a plain obligation. It was not a confused obligation, not an uncertain one, but it was a plain one, the obligation of a trustee to respond in equity for the abuse of the trust, an obligation which the trustee has recognized.

It may be asked why the adjustment of the questions in dispute between the State of Wisconsin and the canal company should be brought before Congress in connection with the proposition to pay to the State of Wisconsin her five per cent. fund. The reason of that is plainly this: when Congress said in 1848 that the State of Wisconsin might come into the Union, it said that the State should enjoy this five per cent. fund, provided she paid to the canal company the money that had been taken out of that fund; the constitutional convention in 1848 asked Congress to modify the grant; Congress did so modify it, both in respect to the land grant and in respect to the five per cent. fund, making them both a school fund instead of a road fund; but Congress said in making that modification that it was upon the condition that the State of Wisconsin should discharge all the obligation that there was upon the Territory of Wisconsin in respect to this trust; Congress did not provide that the five per cent. fund should go to the State except upon that condition; and now when the State asks to receive this five per cent. fund, it is the duty of Congress to say to the State, "You shall discharge that obligation before you have the five per cent. fund." In 1848 Congress connected these rights and obligations together; they have remained together ever since; and Congress in adjusting the one must adjust the other.

I suppose no Senator doubts that the State of Wisconsin is entitled to her five per cent. fund. That is not questioned. It is the plain law, recognized in two enactments. The act providing for holding a convention to form a State constitution said that the new State should have the benefit of five per cent. of the sale of the public lands within her border. The act admitting her into the Union said that she should have this five per cent. fund. That cannot be questioned. It is her legal right, her plain right, accompanied, however, with the condition that she shall pay into the canal fund the money that had thus been diverted.

I apprehend, however, that the only question which can be made in respect to this claim is one to which I have adverted, and that is that the State of Wisconsin is bound to pay into the national Treasury the proceeds of the sales of these lands at $2 50 an acre. I think I have sufficiently answered that objection in advance. I think I have answered it sufficiently by referring to the very next section of the act of 1838, which provides that the State of Wisconsin shall not be thus bound to pay this money into the national Treasury unless she first agrees to it by an act duly passed. I think I sufficiently answer it in the equity that the legislation of Congress has raised in respect to this matter. Congress agreed to the diversion of this fund; Congress, before the ten years had expired, agreed that a very important fund for the construction of the canal need not be used for that purpose, but that it might be used for the maintenance of common schools in the State of Wisconsin; Congress said in 1838, by the sixth section of the act, that if this canal was not constructed in ten years the State of Wisconsin should pay into the national Treasury the amount of the proceeds of the sales of these lands at $2 50 an acre, but the next section said that the State should first assent to this by an act duly passed; but further than that, Congress agreed before the ten years expired that instead of making that canal, these lands should go to maintain schools in the State of Wisconsin.

Now, can Congress claim that the State shall respond for these lands? Can Congress say that there is a forfeiture on the part of the State in not completing the construction of the canal within ten years, when Congress agreed to the diversion of the fund which was to secure its construction? If the ten years had fully elapsed before the diversion, there would be some force in the argument; but they had not elapsed, the work was then incomplete, the time had not expired, and Congress said: "You may use these lands and their proceeds for another purpose; we absolve you from the obligation to make the canal and the obligation to pay the money into the Treasury dependent upon the non-completion of the canal." Who, then, can say that there is an obligation on the part of the State of Wisconsin, after Congress has assented to a change of the grant from the purpose of constructing the canal to the purpose of maintaining schools in Wisconsin, that the State of Wisconsin is bound to pay anything into the Treasury of the United States?

The proposition before the Senate is that there shall be paid to the State of Wisconsin what shall be found her due upon an adjustment of the accounts by the Commissioner of the General Land Office, under the supervision of the Secretary of the Interior, for the five per cent. fund; that she shall be charged, however, as against that fund with the lands sold, but credited with the amount that was appropriated in the construction of the canal, and she shall be credited with the amount that is to go to the payment of the canal company for the rights secured under the grant, under the charter, and under the resolution of 1846. After a very careful examination of this question I became thoroughly satisfied that the resolution which the committee has reported to this body secures the legal rights and equities of the General Government, the State of Wisconsin, and the canal company.

The PRESIDENT *pro tempore*. This joint resolution will now be laid aside and the regular order of the day taken up.

NATIONAL CURRENCY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No 395) to provide a national currency, secured by the pledge of United States bonds, and to provide for the circulation and redemption thereof.

Mr. DOOLITTLE. On the subject of currency and banking now pending before the Senate, I desire to submit two or three sections which I may offer as amendments to the bill in the Senate, and I ask that they may now be received informally, and be ordered to be printed.

The order to print was made.

Mr. DAVIS. I move to amend the bill by inserting after the word "section," in line seventeen of section twenty-eight, the words:

> Nor shall it hold the possession of any real estate under mortgage or hold the title of any real estate for a longer period than five years.

It will be seen from the provisions in the bill that there is no inhibition upon any of these associations from taking possession of or receiving the profits of mortgaged property indefinitely. There is an express provision in the section which I have moved to amend, allowing any of these associations to purchase real estate, in dis-

charge of its debts, at sales for that purpose; but there is no limitation upon the time that the associations shall hold that real estate. The result might be that these associations might become large landholders, large monopolists of real estate, and they would have the privilege of holding it indefinitely. It seems to me to be a mistaken policy to authorize so gigantic an institution as this an unlimited power to acquire, by purchase at sales in discharge of its own debts, real estate, and to hold that real estate indefinitely. My amendment proposes that no association shall hold the title and possession of any real estate for a longer period than five years. It may be convenient sometimes, and it may be necessary to the interests of the institution, that it and some of the associate institutions should have the privilege of purchasing real estate to satisfy their own debts; but when they have made such purchases, it seems to me that good policy, to prevent a large and exorbitant accumulation of real property in the hands of these associations, especially those that may be most wealthy, would require that they be restricted as to the time that they may hold the possession and title to the estate.

Mr. GRIMES. The amendment does not except the banking houses I think.

Mr. DAVIS. It relates only to the real estate they may acquire by sales under judgment.

Mr. SHERMAN. Let it be read.

The amendment was again read.

Mr. SHERMAN. The clear legal effect of the language would be to prevent their holding their own banking house.

Mr. DAVIS. I thought I had made the provision in conformity to the suggestion of the Senator from Iowa, but I see I have not, and I will now put it in this form:

Nor shall it hold the possession of any real estate under mortgage or hold the title and possession of any real estate purchased to secure any debts due to it, for a longer period than five years.

Mr. SHERMAN. I have known in my own practice cases where creditors have been unable to sell property for a longer period than five years by reason of the laws of the States. This provision may operate very injuriously and be hard on the banks. They may not have the power to sell the property under a foreclosure, or upon a judgment, or upon their lien within the five years although they may advertise it every quarter day. I think the limitations contained in the bill are ample. We provide, first, that they shall hold no real estate except for the accommodation of their business as a banking house; second, that they shall only take mortgages for preëxisting debts, that they shall not take mortgages as securities for debts but only for a preëxisting debt; third, they may hold real estate deeded to them in satisfaction of a debt; fourth, that they may hold land purchased at sales upon judgments, decrees, and mortgages held by the association. I think we have limited them so far as any banking law I ever heard and probably a little further. I wish to accomplish the object the Senator has in view, to prevent the banks from accumulating a large amount of real estate, but I think the provision proposed by him may restrain them or compel them to sell unreasonably or may even impose on them an impossible condition. I have no objection to any reasonable restraint on their acquisition of real estate.

Mr. DAVIS. As I understand the provisions in the bill, as explained by the Senator from Ohio, there is no restriction upon any association as to the amount of real estate it may purchase in discharge of its debts at a sale to satisfy its debts, and there is no restriction as to the length of time during which such property shall be held by the association. So long, then, as the association exists as a corporation, it may hold real estate to any amount that it may purchase. A banking association authorized to issue $300,000,000 of paper, located in its branches all over the United States, might by the effect of these provisions acquire an enormous amount of real estate. I do not recollect exactly whether this general banking association is to exist forever or only for some definite number of years; but as long as the association continues to have a legal existence, it may purchase without limit real estate in satisfaction of its debts, and it may hold all that it may thus purchase as long as its legal existence continues. It seems to me that it would be impolitic and might turn out to be mischievous to allow a bank thus indefinitely to acquire and indefinitely to hold the title and possession of real estate. I think it is a monopoly in the acquisition of real estate that ought not to be allowed to a bank. The time of five years which I have fixed within which to compel it to part with the title and possession of real estate that it may purchase in satisfaction of its debts, may be too short, but I should think it would be ample. If that time is too short, let a further extension within a reasonable period be proposed. It seems to me that five years is ample time to enable a bank to make every prudent and proper arrangement in the disposition of any real estate it may purchase in satisfaction of its debts.

The amendment was agreed to.

Mr. DAVIS. I have another amendment to offer, to come in at the end of the thirty-first section:

But every association doing business under this act shall, within six months after the existing insurrection and rebellion shall have been suppressed and the laws of the United States shall be duly and regularly executed in the States where their execution is now obstructed, redeem with gold or silver coin of the United States their notes of circulation at its own office.

Mr. President, I am no friend to this measure, and I never profess friendship to men or measures unless I feel it. I entertain the deepest hostility to this scheme, but still if it is to become a law my desire is that it shall be as perfect of its kind as practicable. I think the first amendment which I suggested was proper, and will improve to some extent the bill if it becomes a law, and that the bill will become a law I suppose there is no doubt. The amendment that I now propose I think of the most vital importance.

There never was a highly commercial country on the earth that had for any considerable length of time an irredeemable paper currency. There is a higher and a more imperative law in relation to currency than can be imposed by the legislation of the Congress of the United States, or even by our Constitution, and that is the general law of the world. By the universal practice, by the inexorable judgment of the whole commercial world from ancient times to the present, money, the great representative of value, has been gold and silver coin. There have been, to a limited extent, exceptions in other metals throughout all time as to coins of a small fractional value, which are made sometimes of copper and sometimes of other metals; but the great currency, the great representative medium, the money of the commercial world, has always been in the main constituted of gold and silver. It will remain so in the future as it has been in the past. The Congress of the United States cannot by its act change that inexorable and uniform law of the world. Whatever measure we may pass and whatever arrangements may be adopted by our Government for the purpose of establishing a permanent irredeemable paper currency will prove futile and we will have to return to the metallic standard. The process of transition from a metallic currency to irredeemable paper is always attended with a vast degree of inconvenience, of loss, and of ruin; and so is the transition back to a gold and silver or mixed currency. There may be certain exigencies, certain great necessities in the condition of a country, that require a temporary resort to an irredeemable paper currency, but whenever they occur, as in our revolutionary war, they are of temporary duration; they are transitory and fugitive in their nature; the exigency that demands them must soon pass away; and then it is a law of commerce and trade, required by the universal usage of the world, that the country having made this temporary resort shall return to the uniform and universal money of gold and silver, according to the practice of all commercial nations. The nation that persistently stood out against this general law of currency would be subjected to a commercial outlawry.

I think it was a great mistake, and a most mischievous policy on the part of Congress, when two years ago we resorted to the issue of demand notes, and made them a substitute for a metallic currency by making them a legal tender. I voted for the first proposition to issue demand notes, and I voted for it, not that demand notes were, or could be made by a law of Congress, money in the sense of the Constitution of the United States, for I entertained no such opinion as that. The idea of coining money out of paper, in the sense in which the Constitution and those who made it understood the coinage of money, to my mind was an absurdity; but from the condition of the country at that time, the inability of our Government to obtain money by loan from Europe, and the pressing demands, as represented to us by the Secretary of the Treasury and his friends in the Senate, for an immediate supply of money to the amount of some twenty-five or thirty or forty millions—I do not recollect the exact sum—and the utter impracticability, as it seemed to me, to obtain it in time to answer the extreme exigencies of the Government in any other mode, I was induced, against the powerful argument of the honorable Senator from Vermont, [Mr. COLLAMER,] to vote for the demand notes, and to give them the characteristic of a legal tender. The argument of the honorable Senator staggered my mind in relation to the legality and the constitutionality of making that kind of paper a legal tender, even to answer any need of the Government, however extreme. I have investigated the question more maturely since, and my subsequent inquiries and reflections have satisfied me beyond all doubt that there was no authority in the Constitution for attempting by legislation to give any such character to our demand notes. I see from a paper which has reached me this morning from Kentucky that one of our judges has decided that the "greenbacks," as they are termed, are not a legal tender, because they are not money according to the sense in which the Constitution of the United States uses that term, and therefore that Congress, under its power to coin money has no authority whatever to establish such a laboratory for irredeemable paper money as now exists at the Treasury Department.

The resort to such a system ought never, according to my poor opinion, to be tolerated unless under the most extreme and pressing necessity, and a necessity of such a nature that the evils resulting from the failure to such resort would be overwhelming, of such a character as beyond all question vastly to outweigh any inconveniences and injuries that might result from the resort to an irredeemable paper.

Mr. President, I have always entertained the opinion, at least since the decision of the case of McCulloch *vs.* The State of Maryland, that for the purposes of a fiscal agency Congress had a right to charter a United States bank; but I have doubted the power of Congress to authorize the bank to issue a currency. That it would have the power to give the other functions of a bank to its fiscal agent for the convenience of the collection, custody, disbursement, and transfer of its funds from one point to another, I entertain no doubt; but I seriously distrust the correctness of the position that Congress, under the power "to coin money and regulate the value thereof," can resort to any such indirect and irregular power as to authorize its fiscal agent to issue paper to circulate as *money*, even though it is redeemable in gold and silver; but that Congress have no power to substitute a declared irredeemable paper money as the medium of values, as the representative of the commercial transactions of the country, under its power "to coin money and regulate the value thereof," in my own mind I entertain no doubt whatever.

Well, now, sir, this act proposes to organize and give permanence to a gigantic association to issue upon the basis of the bonds of the United States a paper currency which is to exclude all other paper currency, and itself to carry no obligation or promise, nor to have any provision whatever for its redemption in gold or silver. The project is against the usage, the practice, the uniform, irreversible and immovable judgment of the commercial world, present and through all the past ages, and will prove to be not only impracticable and worthless, but the cause of enormous disorder, mischief, and ruin in the public affairs and private business of the whole country. As long as it exists and operates it will exclude from circulation the only legitimate measure of value, in which the balances of the trade of all nations are settled, and indispensably necessary to the vast internal trade and business of the United States, and substitute for it a spurious paper currency whose daily fluctuations would cause an amount of confusion, loss, and ruin too wide-spread and great to be estimated. It would

bring the finances of the country, public and private, its trade, its entire business into general disorder and chaos, and our only deliverance its utter repudiation, and a return to the only legitimate, safe, and universally recognized measure of values, a gold and silver coin; and yet the return to the true principle would inevitably cause more of bankruptcy and demolition than the whole course of the aberration from it.

I therefore conclude that if Congress had the power to establish this Briarean paper monster, it would not only be unwise but fatal legislation. All the attempts of other nations to establish and continue a permanent irredeemable paper medium, and to force it to be received even in the transactions of their own people, have signally failed. It requires great public stress to give it even a fugitive existence and toleration; and so soon as that passes the people on whom it was intended to be fastened rise in irrepressible force against it, and they are urged forward and sustained by the outside pressure of the world. I think the time has come when Congress, and particularly the Senate, should renounce distinctly all purpose to give permanency, even continuance after this war shall be over, to any such monetary monster. There ought to be a reasonable time for the country to make the transition from the present exclusive and greatly depreciated paper currency to a mixed one of paper and metal, and a notification in the solemn form of this amendment would not be too early or too long.

It is the suddenness of the transitions from a metallic to an irredeemable paper currency, then of the change back again to a specie currency, that falls so calamitously upon the country. Where those changes are inevitable and must be submitted to there ought to be timely and reasonable notice given of them, that the merchants and business men and the whole community may adapt their transactions to the coming change. An omission to make such a notification at this time would not impart to the proposed measure any more effectiveness for good, but might leave it greatly more potent for evil. The whole brotherhood would be admonished to do their business so prudently as always to be prepared to redeem their circulating notes with specie, if thus cautioned; if not, they might aggravate existing evils by the excess of their issues and business.

Mr. JOHNSON. I suppose we all concur with the honorable member from Kentucky, that as soon as possible there should be a resumption of specie payments by these banks, and by all other banks in the United States; but in order to accomplish that, I think my friend from Kentucky will at once see that it will be necessary that the United States should also resume specie payments. As long as the United States has outstanding her currency which she has made a legal tender it will be impossible for these banks to resume; and after the United States shall have withdrawn from circulation her legal-tender notes, the banks will be under an obligation to resume specie payments. It seems to me, therefore, with due deference to the better judgment of my friend from Kentucky, that it is premature now, for that reason, if there were no other, to offer such an amendment as he has suggested, although, to repeat, I am sure we shall all agree in hoping that the time will soon come when that object can be accomplished.

But it is unnecessary, as far as the banks to be organized under this bill are concerned, for another reason. The last section of the bill reserves to Congress a right to change the charter in any way, at any time; and whenever, during the existence of the rebellion, or after the existence of the rebellion, Congress shall see proper to require it, they may require these banks to resume specie payments.

There is another reason that operates on me which I will briefly suggest for the consideration of my friend from Kentucky. These banks will, of course, have very extensive loan transactions all over the country. They are organized for that purpose, and they will be sure to carry it out to the whole extent of the power, if they can do it with anything like safety to themselves. Their loans, therefore, will be very heavy; and it is necessary, also, as they are to substitute to a certain extent the currency which the Government is issuing, that that currency should be outstanding as long as the rebellion lasts. The only excuse, if I may be permitted to apply that term to legislation that Congress has already adopted, for the existing legislation in relation to the currency is the necessity in which the country is placed, the war being upon us, and it being supposed, in the judgment of Congress, that you could not carry it on upon a currency based upon specie. They were obliged, therefore, as they thought, to go further than had ever been done before to make these Treasury notes, or certain of those notes, a legal tender.

The honorable member's amendment professes only to begin to date its operations from the period when the rebellion shall have been put down and the authority of the Government and of its laws reinstated; and when the rebellion is to be put down and when the authority of the laws is to be reinstated nobody can tell, or how it is to be brought about; whether it is to be the result only after a long contest, wasting individual wealth as well as national wealth, or whether it is to be brought about suddenly as the consequence of some decided and crushing victory which the United States will obtain over their foes, nobody can tell. One thing we know, at least I think we must know, that as long as it lasts we cannot return to a specie-paying currency. If I am right in that, in what condition would the country be placed as far as the customers with these banks are concerned, if the banks, when the rebellion shall be put down, are required to return to specie payments within six months? How are they to accomplish it? They are to contract all their loans at a fearfully rapid rate of discount. Every man who is indebted to them $10,000 has to pay it in six months, when without ruin he would perhaps not be able to pay it for four, or five, or six years. We have the example of England, an instance which shows that we ought to be very cautious, as I think, in fixing any specific period, and particularly if that period is made comparatively a very short one, for a resumption of specie payments. I do not think I am mistaken when I say that the Bank of England was authorized to arrest her specie payment during the wars of England with Napoleon, and it was not until six years after the termination of that struggle that she was able to resume, or if she was able or would have been able by pressing her own debtors, it was, in the judgment of Parliament, improper that those debtors should be called upon to pay their debts, except during a period of six years. The ability of the bank to meet her payments while preserving at the same time the interests of the customers of the bank, in the judgment of Parliament was thought to require that the bank should have the prolonged time in which to resume specie payments, and it was given her.

Now, what would be the situation of my friend's State if his amendment should receive the sanction of Congress? The banks in Kentucky or the banks elsewhere—for these banks may loan everywhere—may loan to citizens of Kentucky some six or seven or eight million dollars, whatever may be the amount, take mortgages to secure the debt, get judgments binding the real estate of their debtors; they may be perfectly willing to give time; the mortgages may be an effectual security, in the judgment of the bank, if the Government do not interfere; and so in relation to the land affected by the judgments. But if the bank is compelled to return to specie payments within six months from the period when the rebellion shall be closed, and the rebellion is closed soon after those debts are contracted, Kentucky would be ruined, or rather such of her citizens as might become borrowers of the banks.

I submit to him, therefore, first, that it is not necessary to make such a provision as this, because under the law we may do it at any time hereafter, and we cannot now know the circumstances which may render it improper to impose so hard a condition upon the banks or the customers of the banks; and secondly, because when the Government herself resumes specie payments, by withdrawing her own circulation effectually these banks will be compelled to pay specie, and they cannot be compelled before, because they will have the same right that everybody else has to use the currency which the Government itself has declared is a legal currency.

Mr. DAVIS. Mr. President, I suppose that confidence is always the basis of credit; and that one reason why greenbacks now are at such a heavy discount is the great distrust which is felt in the country of their ultimate redemption. That want of confidence results in a large degree from the quantum of greenbacks that have been issued as well as from the suspension of specie payments by the Government. I believe the Government suspended specie payments before the banks. The banks of New York continued to redeem their paper, if I understand the fact, although they had nominally suspended, after the Government had suspended specie payments.

Mr. SHERMAN. I do not wish to interrupt the Senator, but I beg leave to correct him as to the matter of fact. The banks resolved to suspend and did suspend specie payments before the Government did; and they gave as a reason for suspending that they supposed the Government would have to suspend, but they suspended first as a matter of fact.

Mr. DAVIS. So I understand the fact, sir; that the banks of New York city made an order to suspend specie payments; but nevertheless they continued to redeem their paper in gold and silver until after the Government had suspended.

Mr. COLLAMER. Until after the Government had got away from them from one hundred and thirty to one hundred and ninety million dollars in gold.

Mr. DAVIS. I am aware of that. The Government gathered together all of the gold and silver of the banks, and instead of drawing drafts upon the banks that had made subscriptions to the Government loans and allowing those drafts to be met at the counters of the banks, if I recollect aright the Government distributed that specie widely over the country, and therefore made it in a great degree unavailable for the convenient business of the banks and for the interests of the country.

But, Mr. President, I was making this general remark: that depreciation in paper marks the degree of want of confidence in its redemption, as a general rule, and that the great depreciation in greenbacks now results from the deep distrust of the country of the ability of the Government to redeem them; and that this want of confidence has been increased essentially by the quantity of greenbacks that has been thrown into circulation. The agents of the Government reproach the State banks with having created this inordinate circulation of paper, whereas the contrary is the fact. By the evidence of one of the financial officers of New York, Mr. Van Dyck, the amount of issues by the banks of New York is less by a million and a fraction of dollars in this year, 1864, than it was in 1854; and in fact, the actual circulation, by the retention by some of the banks of large amounts of their own paper, was six or seven millions less than the amount of paper they had been allowed to put in circulation. The agency that has brought this great excess of irredeemable paper circulation upon the country has been the Government, acting principally by the Secretary of the Treasury; and the reproach which has been cast by the Administration and its supporters upon the banks of having created this ruinous excess of circulation is true of and ought to be made against the Government and the Secretary of the Treasury instead of the banks.

This circulation has become so redundant, so excessive, as to create serious and general apprehension that it might never be redeemed. The consequence has been that its depreciation as compared with gold and silver has progressed from time to time until it has reached its present great point; and how long it will be before it will attain a still lower depth and become as valueless as Continental money, nobody can tell. Certain it is that if this war continues upon its present scale with its gigantic expenditure of money, and with the enormous and still increasing circulation of irredeemable paper, the credit of that paper must be wholly lost, and it will be regarded by the country as worthless, and will cease to answer any of the purposes of money.

Mr. CHANDLER. Will the Senator permit me to correct a statement he has just made?

Mr. DAVIS. Certainly.

Mr. CHANDLER. I hold in my hand a tabular statement of the circulation of the banks of New York, showing an increase of $8,629,799 in the last year.

Mr. DAVIS. I have got a table too, which makes a very different showing.

Mr. CHANDLER. This is a statement of the banks of the whole State, not of the city of New York alone.

Mr. DAVIS. My statement was made by Mr. Van Dyck. It is succinct and very luminous. He says:

"The public should be aware that all the plates of all the banks in this State, corporated, associated, and individual, are in my possession, sealed against use and securely locked from reach of the banks. Not a dollar can be printed without an order from this department, and not a dollar is furnished save upon the deposit of security. Hence our books furnish an incontestable data of the amount of currency delivered to the banks. And what do we find as the result? I take the close of the fiscal year for ten years past as a criterion by which to judge the present, and it shows as follows."

He then proceeds to give the amount of capital and circulation for each year. I will only read the amount of circulation:

Date.	*Circulation.*
Sept. 30, 1854	$43,902,535
" " 1855	41,159,794
" " 1856	43,492,485
" " 1857	41,243,922
" " 1858	35,607,180
" " 1859	36,581,276
" " 1860	38,034,800
" " 1861	35,606,140
" " 1862	42,239,836
" " 1863	42,192,645
April 18, 1864	42,862,310

"Thus it will be seen that the aggregate circulation issued and outstanding at this time *is more than a million dollars less than it was in 1854; although the banking capital has increased more than twenty-six million dollars within that period.* The amount of circulation above stated includes all ever issued to the banks and not returned. More than a million dollars belonging to institutions which have passed out of existence has probably been lost, burned, or otherwise destroyed. Then again, of the circulation thus standing charged on the books of this department, *less than thirty-six million dollars was in actual circulation on the 12th of March*, 1864, as appears from the sworn statements of the banks just made in obedience to law—the balance being in their possession, unissued. With these official facts and figures in view will any person kindly inform the public where the charge of 'inflating the currency' comes in, as it regards the banks of this State?"

The circulation of the banks of Kentucky was restricted in a greater ratio in that period of ten years than was the circulation of the banks of New York. I suppose, from the inferences authorized to be drawn from the circulation of those two States, that the amount of State bank circulation in 1864 was less than it was in 1854. I think it is stated, as a general truth, that the amount of the circulation of the State banks is about one hundred and sixty or one hundred and seventy millions, while the Government paper, irredeemable in its character, is enormously over that sum in its aggregate amount. The great and ruinous circulation of irredeemable paper which so disorganized all the commercial transactions and business of the country, threw everything into confusion, and produced such fluctuation in prices, was produced mainly by the Government of the United States.

Mr. CONNESS. Right at this period of the Senator's statement I will ask him if he noted that it was authoritatively stated that temporary credits had been extended recently by the banks of the city of New York alone to the extent of $200,000,000; and whether inflation and speculation are not founded upon those extensions of credits as much or more than upon bank issues?

Mr. DAVIS. I was not adverting to the matter of speculation at all. I was limiting my remarks exclusively to currency and to the effects of currency upon trade and prices.

Mr. CONNESS. I knew the line of the Senator's argument very well; but the entire argument went to prove that the Government was responsible for all the inflation that occurred in trade.

Mr. DAVIS. No, sir; I did not say in trade. The inflation of paper that is to be received as money in all Government and private transactions, of course, is the cause of the increase of prices. That is said to be the paper representative of prices. If that paper representative of prices assumes an irredeemable feature, and is increased four or five fold in the course of something like two years, it must necessarily produce a great augmentation in the prices of all property when measured in that paper, that paper being irredeemable, and being at a heavy discount in gold and silver. I believe it has reached as high a point as to require $180 in paper to purchase $100 in gold. The Government has endeavored to inculpate the banks as the authors of this great inflation of the circulating medium, although the Government itself has been the chief agent in producing the excess of paper issue, and consequently is more responsible for the heavy depreciation in the paper circulation, under the par of gold and silver, than the banks.

But these remarks were incidental and are leading me away from the point upon which I was commenting, and it was simply this: that for a paper currency to receive the confidence of the country and to circulate at anything near par, there must be a stable and general belief that it will be redeemed in gold and silver. Why, sir, it is that convertibility that is the true responsibility of a paper currency. It is its attribute to be redeemed by those who issue it in gold and silver at the pleasure of the holder that imparts to it the faculty of money. Whenever this responsibility to be redeemed in gold and silver coin by tale is dispensed with by the laws of Congress, or ceases from any other cause, the inevitable consequence is depreciation in the value of the paper. The Government itself has been the principal author of the great depreciation of its own paper: first, by issuing it without any promise or obligation to redeem it in coin; secondly, by its frequent and excessive issues. If the Government had not interfered with the banks it is a problem whether they would have been driven to the suspension of specie payments at all; certainly not in the condition in which the country and business then were.

But to maintain at anything like par in gold and silver the credit of this paper issued by the Government, or of these notes of circulation which it proposes to give to every association that will do business under this act, there must be a firm confidence in the country that it will ultimately be redeemed in gold and silver. Unless you can produce that conviction and that faith the credit of this paper will fluctuate from causes that cannot be controlled, and eventually in a short time it may become as worthless as the Continental money itself. Anything that tends to sustain the credit of that paper would be beneficial to the country. Any feature in this bill that would restrict the issue of paper by these associations, and that would command the faith of the country that it would so operate, would help to sustain the credit of their paper and proportionately to keep down inflation of prices.

It seems to me that the amendment I propose, if it should be adopted, would have such a result. It would satisfy the people, as far as they could be assured by the legislation of Congress, that specie payments were to be resumed within a reasonable time, when every holder of a dollar of this paper might calculate upon receiving for it a dollar in gold or silver. It would admonish those who are to manage these associations not to do a business so large as to leave them unable upon short notice to redeem their paper with gold and silver. They would ponder well their contingent obligation to redeem their paper, and the probability of the occurrence of the events upon which that obligation was to become absolute, and they would keep prepared by the most prudent banking. In that way it seems to me that two essential elements of confidence in this paper on the part of the people would be established.

Again, the act of Congress organizing this system, making an imperative requisition on the whole association to redeem their paper with the precious metals, would have the effect to assure the public that such redemption would be made at no very distant day, and thus aid materially not only to prevent further depreciation, but to enhance the present value of that paper.

If the Government of the United States were to retire now one half of its paper that is in circulation by funding it, what would be the certain and immediate effect? The confidence in that paper, in the ability and the disposition of the Government to redeem it within a reasonable time, would at once greatly increase; the discount upon it and the price of gold would decline; the commercial and general business transactions of the country would assume a more stable and healthy character. Any causes which would curtail the present enormous paper circulation of the Government and would keep down its future issues and restrict the circulation of these associations would be productive of great good, and ought to be favored both by Congress and the Executive, and the amendment which I have proposed should therefore be adopted. It would tend materially to prevent excessive and fraudulent banking by these associations and mitigate the inevitable evils consequent upon their coming to specie payments, to which the honorable Senator from Maryland [Mr. JOHNSON] adverted.

The PRESIDING OFFICER (Mr. FOSTER in the chair) put the question on the amendment, and declared that the noes appeared to have it.

Mr. DAVIS. I will ask for the yeas and nays.

Mr. CONNESS. Wait until we get into the Senate.

Mr. DAVIS. Very well. I will withdraw the call now; but I give notice that I shall ask for the yeas and nays on this amendment in the Senate.

ONE HUNDRED DAYS' WESTERN VOLUNTEERS.

Mr. FESSENDEN. I ask the permission of the honorable Senator from Ohio to report from the Committee on Finance a bill which is considered rather important to be passed to-day if we can. It is a very simple one, making an appropriation for the purpose of paying the troops that have been accepted by the President from the western States. It is the joint resolution (H. R. No. 69) for the payment of volunteers called out for not less than one hundred days. I am directed by the Committee on Finance to report it back without amendment, and with a recommendation that it pass. I am also directed by the same committee to report back the Senate resolution on the same subject, (No. 47,) to appropriate $25,000,000 for the subsistence and pay of militia called out by the President, with a recommendation that the committee be discharged from the further consideration of the subject.

The motion to discharge the committee was agreed to.

Mr. FESSENDEN. I should like to have action at once upon the House resolution, if there is no objection.

There being no objection, the Senate as in Committee of the Whole proceeded to consider joint resolution (H. R. No. 69) for the payment of volunteers called out for not less than one hundred days, which appropriates the sum of $25,000,000 for arming, equipping, clothing, subsisting, transporting, and paying volunteers that may be received by the President for any term not less than one hundred days.

Mr. HALE. I object to its consideration to-day.

Mr. FESSENDEN. We may as well consider it now as to-morrow unless the Senator wants time to look into it.

Mr. HALE. I do not want time to look into it; but I am opposed to the adoption of the resolution. I think it unwise. I think our experience in three years of war, if it has learned us anything on earth, has learned us, in the first place, that the calling out of three months' men at first was an unwise measure, and the calling out of nine months' men was an unwise measure. I do not know whether we have had any six months' men or not.

Mr. WILSON. Yes, sir.

Mr. HALE. We had some six months' men, I understand, and I think the calling of them out was an unwise measure. I think if we pass this resolution it will be throwing away $25,000,000. Such an appropriation as this will show that we are in that unhappy position spoken of by the younger Pitt in his answer to Walpole, that we "remain stupid in spite of experience."

Mr. FESSENDEN. I can only say that whatever might be my own opinions about that act adopted by the Secretary of War and the President, of course under the advice of the most eminent military authority with reference to the condition of things at present, this measure is thought to be advisable and indeed of great importance at the present time.

Mr. JOHNSON. These troops have been called into service according to law; have they not?

Mr. FESSENDEN. They have been received by the President under a tender of them by the Governors of the States.

Mr. JOHNSON. There is an act of Congress authorizing it?

Mr. FESSENDEN. Yes, sir. I do not know that there is any special call under the act of Congress, but the troops have been offered by the Gov-

ernors of the States and the President has accepted them.

Mr. JOHNSON. So I understand. What I intended to ask was, whether the act of Congress authorizes the call.

Mr. FESSENDEN. The law authorizes, as I understand it, precisely this: the President is authorized to call out, for any term not exceeding a certain term, any number of the militia of the States or volunteers that he may see fit. I do not understand that there has been a distinct call in this case; but there has been what perhaps may be equivalent to it—an offer by the Governors of the States to furnish this number of troops within a given time, and the acceptance of that offer by the President. It is very easy for him to change it into a call, if he should see fit to do so. The thing being done essentially according to his right under existing laws, there is nothing for us to do but to make the appropriation.

Mr. HALE. Is there a law for it?

Mr. FESSENDEN. Yes, sir; a law of long standing; that is to say, not exactly in its present shape; but it is always in his power to call out the militia to suppress insurrection and repel invasion; and two years ago we altered that law, and extended the time for which he might call out the militia.

Mr. WILSON. We extended the term of the militia called out to nine months.

Mr. FESSENDEN. Under the old law the militia were authorized to be called out for a term of three months. At the last Congress we extended the time to nine months. In the present instance these troops have been tendered; the highest military authorities have recommended their employment; and under present circumstances it would be wise, and under some contingencies may be very important. They will relieve a large number of troops in different localities, and enable them to be placed in active service. Whatever, therefore, might be my own opinion, which would be good for nothing on the subject, as it is a military matter, the law standing as it is, the thing being done, and the House of Representatives having passed it with great unanimity and at once, I did not feel authorized, and the Committee on Finance did not feel authorized, to say that they would not recognize it.

Mr. SHERMAN. Here is the law which authorized it to be done, and it makes it perfectly clear that the President has the power to call out the militia:

"That whenever the President of the United States shall call forth the militia of the States, to be employed in the service of the United States, he may specify in his call the period for which such service will be required, not exceeding nine months; and the militia so called shall be mustered in and continue to serve for and during the term so specified, unless sooner discharged by command of the President."

The only question that could be raised, therefore, would be whether the acceptance by the President of an offer of militia by the Governors of the States is a call within the language of the law. On that subject I do not think there is any reasonable doubt.

Mr. FESSENDEN. I have not seen, and I do not know that there is any specific call; but it is taken in that way. The troops were offered and accepted. It is very easy for the President to change it into a call, and he would undoubtedly do it if it were necessary, but that would only occasion delay. They can be brought out and duly mustered into the service of the United States just as well under this tender by the Governors as under a specific call by the President. It may be said that we give it our sanction by passing this resolution; but that is a mere matter of form.

Mr. POMEROY. I should not like to oppose any measure that the Administration might think necessary for the suppression of the rebellion; but it does seem to me that this is a most expensive service. When we consider the cost of transportation of these men, their outfit and their arming, and the short time they will render service, I repeat it seems to me the most expensive service that the Government could employ. I should not like to vote against it or oppose it; but I confess the whole policy of it looks bad to me.

Mr. HALE. If I understood that anything was done under this call which the public faith was pledged to meet, of course I would not hesitate to vote the appropriation, more or less; but I do not understand it so.

Mr. SHERMAN. I will state to the Senator that after this offer was accepted by the President, the militia of my own State, which had been organized under the law of the State, was actually called into the service; and I notice in the Ohio papers that I receive that many of the regiments met at the rendezvous yesterday and to-day, with a view to receive orders, and they are now actually under orders. Whether this kind of service is a very expensive one or not is a question on which I may differ with the Administration, but undoubtedly the President has the power to call out the militia of the States, under the act of 1795, and also the act to which I have already referred, the act of July, 1862. That he has accepted the offer of these troops, which is substantially a call, there is no doubt; and, indeed, they are to-day mustered into the service of the United States, and are being organized and enrolled. They were mustered yesterday and to-day in Ohio, and I notice in the papers that in Indiana the same process is going on.

Mr. HALE. Mr. President, I do not like to give up entirely in regard to these public measures the discretion which is vested by the Constitution in members of Congress. I do not pretend to be a military man, nor to have the slightest knowledge on earth about this subject aside from that which necessarily accompanies a little mite of plain common sense, which I do pretend to have; but in my humble judgment a more unwise measure than this has not been started since the war commenced. I think it would be well for the Senate to vote against this appropriation in order that it might be taken as an expression of opinion by the Senate of what was wise and what was unwise; and then, after we have refused this appropriation, if we shall refuse to give our sanction to what I think is a very unwise measure, I would go with the Senator from Ohio or anybody else, as far as anybody, to meet the public faith and keep public faith with the soldiers who have been called out under this offer of the Governors of the States and accepted by the President. Believing it, however, to be unwise, believing it to be a measure that can operate no practical utility under heaven for the country, I am opposed to this appropriation of $25,000,000. I wish to take this opportunity of expressing that opinion; and I ask for the yeas and nays on the passage of the resolution.

Mr. SUMNER. What will the Senator do with the troops called out?

Mr. HALE. I have just stated, if the Senator had listened to me.

Mr. HENDERSON. I suppose this resolution is intended to appropriate funds to pay the troops alluded to by the Secretary of War in his letter to General SCHENCK, of the House of Representatives, of the 25th of April, in which he says:

"The Governors of Ohio, Indiana, Illinois, Iowa, and Wisconsin have tendered to the President, on the 23d instant, a large number of volunteers from their respective States for service during the present campaign. They are expected to number from eighty thousand to one hundred thousand men; their term of service one hundred days from muster in. It is believed they can render useful service. They are to be paid no bounty, and are not to diminish or delay the draft for three years' men in States where the quota of pending draft is not filled up."

I have not looked to ascertain whether the President has the right under the existing laws to call out one hundred days' men; but I presume that an affirmative vote upon this resolution on my part would indicate to the President that I was in favor of calling out this force of one hundred days' men. I will state to the Senate what I believe to be the case: I do not believe the one hundred days' men will be of any service. I think it is perfect humbug; and although I am disposed to support the Administration in anything and everything calculated to put down the rebellion, I will not vote for this measure. I will not vote for it under any circumstances whatever. I do not think the financial condition of the country is such that we can afford to throw away $25,000,000 and perhaps $50,000,000 upon an unavailable and unserviceable lot of men that will do no good whatever. Why, sir, can you drill these men in one hundred days? Will it be possible to have them so that they could be taken into battle within the one hundred days? But it will be answered that they can go into the fortifications; that they can be placed behind our armies; that they can guard trains——

Mr. GRIMES. The Senator will allow me to ask him how long the troops that fought at Wilson's Creek, and who I believe fought very well, had been in the public service?

Mr. HENDERSON. The battle of Wilson's Creek, I believe, was fought in August, 1861. It was fought by troops in the State of Missouri who had been principally in military companies in the city of St. Louis and had been drilled for a number of years. They were as well drilled men, generally speaking, when they went into the service as there are now in the army of the Potomac. I do not mean to say that all the men who were engaged in that battle were such; but I speak of the Missouri troops. I believe there were some Iowa troops there, but I cannot speak with reference to them.

But, sir, in my opinion, the body of men now called out will be of no service whatever. If it is intended that my vote affirmatively upon a proposition of this character is to authorize the President to call out this body of men, I cannot give it. If the President takes the responsibility of calling out one hundred thousand men for one hundred days to aid in suppressing this rebellion, and then calls upon us to make good their payment by an appropriation here, I will go back and look to the law and see whether the President had the power to call out those men, and if so, I will vote to appropriate the money. But, sir, he must take the responsibility of this act, not myself. I will not vote for any such measure. If the draft is to be enforced why not go on and enforce it? Why not raise troops for three years or during the war? That is the character of troops we want. I see that a draft has been ordered in my State and one or two others; perhaps in Ohio. Am I correct?

Mr. SHERMAN. In all the States named the quota is full, except in the State of Ohio, where there is a deficiency, I am told, of between seven and eight thousand, and that, I have no doubt, will be filled up this week by draft or voluntary enlistments; so that in all the States named the quota of three years' men is full.

Mr. HENDERSON. That cannot be so in Ohio, because a draft has been ordered there.

Mr. SHERMAN. I say that in Ohio there is a deficiency of between seven and eight thousand, which is being filled up now, and I suppose will be entirely filled up this week.

Mr. HENDERSON. If troops are needed for three years or during the war, the length of time required originally, let them be called out, and I will vote to appropriate any amount of money to pay those men; but I am not in favor of calling out a mob that five or six thousand disciplined troops could run off any field of battle.

Mr. SHERMAN. When the Governors were here I stated to the Governor of my State my objection to this mode of calling out three months' or one hundred days' men. I did not believe it was wise to do it. My opinions on that subject are well known. I think the draft ought to have been enforced long ago, and we ought to rely on a draft for men to serve during the war. But that is not now the question. This offer of the Governors was a patriotic one, intended to enable the Government to withdraw all the regular troops along the frontier and replace them with these one hundred days' men to serve during this campaign. The offer was made from patriotic motives by the Governors representing these great States of the West when they were here. It was accepted by the President of the United States. The men were called out. When I looked at the law I found that the power of the President was ample. By the act of 1795 the President is authorized to call out the militia of one or more of the States to suppress insurrection or repel invasion. Under the act of 1795, therefore, he would have had ample power to call out the militia of any State in the Union for that purpose; but under the law of July 17, 1862, his powers are still more enlarged. It provides:

"That whenever the President of the United States shall call forth the militia of the States, to be employed in the service of the United States, he may specify in his call the period for which such service will be required, not exceeding nine months; and the militia so called shall be mustered in and continue to serve for and during the term so specified, unless sooner discharged by command of the President."

The only question that can arise is whether these men were called for by the President. I

take it as a matter of course that an offer by the Governors of these States which is accepted by the President, and a general order issued in pursuance of that acceptance, amounts to a call. It is a call even in the technical sense. He may call for the militia of one State, or of one State and a portion of another State, or of three States; so that there is no doubt about the power.

Mr. HENDERSON. While the Senator is on that point, lest I should forget it, permit me to ask him if an order has been issued by the President on this subject. I have seen no such order, and I have looked to this matter because I was astonished at the proposition when I first heard of it. But I have not seen any order from the President to this effect, and I desire to know if such an order has been issued.

Mr. SHERMAN. I can only refer the Senator to the Military Committee. I suppose as a matter of course that such an order has been issued, because we are asked by the Department for this appropriation. That of itself is sufficient; and I know as a matter of public notoriety that the militia of my own State have responded in regiments to this call, and are to-day being mustered into the service of the United States.

Mr. HENDERSON. Let me ask the Senator if the militia of Ohio were not being mustered into service by the Governor of the State of Ohio previous to the date of the letter of the Secretary of War, the 25th of April?

Mr. SHERMAN. The militia of Ohio was organized under a law of the State a year or two ago.

Mr. HENDERSON. Did not this recent muster by the Governor take place before the date of the Secretary's letter?

Mr. SHERMAN. No, sir; it is taking place in consequence of this call. Governor Brough telegraphed a very patriotic order from here, which I suppose has been seen by Senators, which has been published in the Ohio papers, calling on the enrolled militia to turn out. A number of the militia of Ohio are ready now and probably mustered into the service. The only question is whether we shall deny to these men the pay provided by law. On that question I have no doubt.

Mr. GRIMES. It seems to me there is a very small question before us. It is admitted on all hands that the President has the authority to call for these troops. He is the Commander-in-Chief of the Army, and authorized by the laws that we have ourselves enacted to call for them. And now the question simply is, will we pay for them after they have thus been legally called for by the President of the United States?

Mr. HENDERSON. Where is the evidence that they have been called for?

Mr. LANE, of Indiana. They have been regularly called for by the Secretary of War, who issued the call with the indorsement of the Governors of these several States; and in accordance with that call very many of these men have volunteered. Perhaps more than ten thousand in my own State have been mustered in.

Mr. GRIMES. That seems to put to rest the question as to whether they have been regularly called for by the Commander-in-Chief of the Army and Navy of the United States; and now the question is, whether we will do our duty by making the necessary appropriation, in order to pay these troops after they have thus been regularly called for. We may entertain whatever opinions we see fit individually or as a body as to the value of these troops when they are called out; but it matters not what may be our opinion on that point: the person who is constituted by the Constitution and the laws of the United States the proper authority to determine their value has settled that question.

The Senator from Missouri will, I trust, permit me to refresh his memory a little in regard to the battle of Wilson's Creek. If I remember correctly, several of those independent companies from the city of St. Louis, who fought so well and to whom is to be attributed, in his estimation, that victory, were under the command of General Sigel, and made a detour around the force of the enemy and did not acquire any particular glory.

Mr. HENDERSON. I desire to ask the Senator from Iowa if he understood me to take the glory of that battle for Missouri troops.

Mr. GRIMES. That was the fair inference that was to be drawn from the Senator's remarks.

Mr. HENDERSON. I neither said then nor do I say now anything from which such an inference could be drawn.

Mr. GRIMES. I am indebted to the Senator for correcting me, for certainly such was the impression I had from his remarks.

Mr. HENDERSON. You will find that no such inference can be drawn from my language as reported.

Mr. GRIMES. In the first place, the Senator failed to allude to any other troops than those of Missouri.

Mr. HENDERSON. I understood the Senator to ask me in regard to my own personal knowledge of the length of time the troops of Missouri engaged in that battle had been in the service. I stated distinctly that I could not tell in reference to the troops of Iowa, but only in reference to the troops of my own State. Of course I had no personal knowledge of the Iowa troops.

Mr. GRIMES. I think there were two Kansas regiments in that battle; one, certainly.

Mr. POMEROY. Two.

Mr. HENDERSON. I believe that to be the case.

Mr. GRIMES. And there was one from the State which I have the honor in part to represent. Neither one of those regiments had been in the service, I think not even the Missouri regiments, but certainly neither the Kansas nor Iowa regiments, had been in the service exceeding one hundred or one hundred and two days. I believe the regiment from my State staid in the service twelve days over their time for the sake of having a fight.

Mr. POMEROY. That battle was fought on the 10th of August, and the Kansas regiments engaged in it had been in service only thirty days.

Mr. HENDERSON. I desire to state once for all, if the Senator will permit me, that the troops on the other side at Wilson's Creek were just as raw as our troops, and the whole argument amounts to nothing. I do not know that there was anything very glorious in the battle. If there was any glory about it the glory was just as much shared by the raw troops on the rebel side as on our own. I suppose it was a victory for the rebels. However, they had some three or four to one of our troops. I know there was some very brave fighting done there. I know that there was some very brave fighting by the Iowa regiment, because I believe General Lyon was leading the Iowa men at the time he fell. I think that was the case; and I do not wish to detract anything from the Iowa troops; but that is no argument in favor of the employment of these one hundred thousand troops now, because the rebels were then just as raw as our own men.

Mr. GRIMES. It only shows that these troops will fight if you put them in the right positions, and if they are properly handled. Why, sir, at the battle of Gettysburg, as I understand, three regiments from the State of Vermont stood in the forefront of the fight, and no troops behaved more bravely or rendered the country more service than those regiments did from Vermont, freshly recruited from the Green mountains. It depends altogether on the character of the man who handles the troops. Whatever may be our opinions as to the value of these troops when brought into the public service—and we do not know in fact where they are going to be placed; we do not know whether they are going to be placed in fortifications that are almost impregnable now or not—it seems to me there is only one course for us to pursue, and that is to pass the appropriation that is asked for to pay them, they having been, as all admit, legally and constitutionally called into the public service.

Mr. CARLILE. Mr. President, if the history that we get of this call in the papers be correct, there cannot be very many of these troops as yet mustered into the service under it. It has only been about a week or ten days since the Governors of these States made this visit. This call did not proceed upon the motion of the President himself, upon whom the law confers the power to call out the militia of the States; but these Governors assemble in the city of Washington and ask the President if they may bring into the service of the United States for one hundred days one hundred thousand men from the different States. To this proposition of these Governors, after a day or two, we are informed, the President has assented.

Now, sir, although, strictly speaking, the law may confer on the President this power, which is given to him to provide for emergencies when the exigencies of the country will not admit even of a consultation of the representatives with the people, I think it would have been at least respectful on the part of the Executive to consult with that department of the Government to whom belongs exclusively the right of imposing taxes on the people to pay the expenses of these calls before he assented to this proposition made to him by the Governors of the States. I am therefore disposed to let this matter stop here at this point—the call being acknowledged to be within the power of the President—to meet the expenses already incurred and which it may be incumbent on Congress to bear; but stop it here. Let us in that way express our opinion to the President that when the representatives of the people are assembled in the Capitol of the nation he should consult with them before he accepts propositions made to him by the Governors of the several States for incurring an unknown liability. A proposition like this places the Treasury of the Union directly under the control and power of the President, who it was intended by the organization of our Government should not control and dispose of it, and the representatives of the people merely sit here to vote money out of the Treasury, without discretion left to them to determine whether they ought to so vote or not. I shall therefore vote against the resolution.

One word more, sir. I doubt if there is a Senator here who is prepared to say that the sum appropriated by this resolution will defray the expense of these one hundred days' men. It may amount to double $25,000,000. We cannot tell what will be the cost. It is not only the pay that is due to them, but they are to be clothed; their transportation is to be paid for; and they are to be taken from the industry of the country at a period of the year when their labor would be more valuable and more productive, so far as the legitimate results of this war are concerned, than any services they can render by being in the Army of the United States for the short period of time for which they are called into the service.

Mr. WILSON. Mr. President, in the lights of the present this call for militia does not appear to me to be a wise one. After this offer by the Governors was submitted I expressed the opinion that I did not believe it ought to be accepted. But, sir, we, the Congress of the United States, have authorized the President at his discretion to call out the militia for any period not exceeding nine months. The Congress of 1795 gave the power to the President to call out the militia. It has existed for about seventy years. The last Congress extended the power and the time for which the militia might be called out. The President, therefore, is clothed by Congress with ample power to call out any number of militia he pleases.

Mr. POMEROY. Under the law of 1795, was not his power to call out the militia limited to the time when Congress was not in session?

Mr. WILSON. The Senator will remember the law was amended so as to give him power to call them out at any time; and we also extended the term of service. The President is clothed with the power to call out the militia. The authority on his part to accept them is in accordance with the laws of the country. I doubt very much the wisdom of this call, for I fear that the money we expend will be to a great extent thrown away. I think the troops we raise ought to be raised for a longer period. In my judgment, the energy, the vigor, and the enthusiasm that will be gotten up in these western States to place these eighty or one hundred thousand militia in the field will spend itself for no great purpose. If this money, this vigor, and this energy were expended upon raising troops for a longer period, we could obtain them. However, the President had the right to do it; and he has made the call, or rather he has accepted the offer of these Governors.

I think it was unwise for another reason——

Mr. HENDERSON. Will the Senator permit me to ask him if this acceptance is in writing or is it a mere verbal acceptance? Did the Governors call on the Executive and propose to him to do this thing, and did he verbally accept the proposition? If there is anything in writing, I should like to hear it.

Mr. WILSON. I understand that the offer was made and that it has been accepted officially and formally, and that before it was accepted the commander of the Army in the field, General Grant, approved of it and advised it. I may be mistaken in this information. This joint resolution was inclosed in a letter written by the Secretary of War to the chairman of the Military Committees of the House of Representatives and of the Senate. I think, therefore, nothing can be said in regard to the power of the President to call out these troops; nothing can be said in regard to the mode in which they have been called out. We may doubt the wisdom of this call for militia. If the question were submitted to us to authorize the President to call out one hundred thousand men for one hundred days, I would not vote for it; but the President has exercised the power with which we have clothed him; he has made the call; and many thousands of these men are already embodied and organized. I shall therefore vote for the proposition and leave the responsibility where it belongs, upon the President of the United States.

Mr. HENDERSON. I desire to call the attention of the Senator to the letter of Mr. Stanton to General SCHENCK. At the close of it he says:

"The impending operations render it expedient that there should be early action by Congress upon the proposition, so that, if sanctioned, all needful provisions may be made in due season."

Meaning thereby that he would not accept the proposition until Congress acted upon it, and if Congress accepted the proposition then he would make provisions for calling out these troops. This is a very late letter, dated on the 25th of April, and I have seen nothing from the President since in regard to it at all.

Mr. WILSON. I think the Senator must be satisfied that the call was made, or rather the offer accepted, formally and officially; that these Governors have issued their proclamations; and that several thousand men have been embodied or are now organizing under this action of the President.

I understand that these troops are to be used in the fortifications and posts to be held in order to allow the veteran troops to go forward and join the armies in the field. There have arrived in this city to-day several companies of heavy artillery from Massachusetts, who have been brought here to man the fortifications while the veteran troops go forward to the front.

We need all the men we have on our farms, in our workshops, and in our manufacturing establishments. I have urged that we should have authority to raise men by the use of our State and local bounties in the rebel States, both black and white; and it has been met with persistent opposition. I think one of the greatest objections to calling out these eighty or one hundred thousand western men is, and will be felt to be, that it takes those men from the cultivation of their farms—from the raising of crops which are necessary to support the country. I want to put all the men in the field that we need, and overwhelm the rebels; but I want to raise all the men we can in the rebel sections of the country to help to fight our battles. The price of labor has risen everywhere; the needs of labor are everywhere upon us both in the workshops and in the fields; and we ought to raise all the black men and all the white men we can in the rebel States. I hope, therefore, that Senators will remember when I call up the bill from the House, as I hope to do in a day or two, to allow us to raise men in the rebel States, that we should favor our own loyal sections of the country, take care of our own labor and material interests, and put the burdens of the war as much as we can upon those States that have raised the banners of treason.

Mr. CLARK. I concur with much that has been said in regard to the calling out of these men for one hundred days; but it seems to me there is another and a further view which the Senate ought to take in regard to this matter. It is admitted that the President has the power to call them out. We gave him by law the liberty to exercise his discretion. He has exercised that discretion.

Mr. POWELL. Will the Senator from New Hampshire be kind enough to tell us what law authorizes it?

Mr. CLARK. I cannot tell the precise date of it. It is the law which has been referred to by the Senator from Ohio.

Mr. POWELL. That is the law of 1862. I have just examined it, and in my opinion it does not meet the case at all.

Mr. CLARK. That is not the point I propose to argue. I understand the law to give him the power to exercise his discretion to call out troops. I understand him to have exercised that discretion, and to have determined that it was wise to call out these men. It appears that he has done it on consultation with the general commanding in the field and on high military authority. It is known to the country that we are undertaking a great campaign. It is said by the Senator from Massachusetts that money is plentier than men. It is known to the country that we have not got all the men required under the last calls; that some places have not filled up their quotas. Now this is the point: when this great campaign is coming off, when our armies are expected daily to meet the enemy in the field, when we need every man we can muster, when the General-in-Chief has said these men are needed, when the Governors of the States have offered them, and when the President has concluded to accept them, I want to know where is the Senator that will say these troops shall not come upon the knowledge he has? I would not have ordered them without more information than I now have; but I certainly will not take the responsibility of casting a vote which shall prevent their coming. It may be that this great campaign may fail for the want of these very men, and the man who refuses them takes the responsibility of defeat.

It is very true, as has been stated by the Senator from Massachusetts, that the troops which were enlisted to remain in the States for their defense have been ordered forward. The troops that were enlisted to defend Boston harbor as heavy artillery have been ordered here. Troops enlisted in my State with a promise that they should not be called without the State have been called here, and the men come without a murmur. They say, "We are ready if the country needs us." They enlisted for the State service, but they say, "We will go if we are needed." The Governor of my State has found it necessary to call into the field troops to replace those he has taken out of the fortifications. Will Senators say that these troops shall not come, when the President says he needs them, when the Secretary of War says he needs them, when General Grant says he needs them, and advises that they be brought? Here are five or six companies of a regiment of cavalry that was being enlisted in my State. They could not remain at home until they were mounted. They are ordered here for an emergency; and if those men are wanted in the front they will take their arms and they will go on foot.

The Government mean, I hope, to make this campaign decisive, and will you say it shall not be decisive? Will you say that for $25,000,000 these troops shall not come to the aid of the Government? I for one shall not take the responsibility of throwing a vote against this measure. If my opinion had been asked some time ago, I might have said it was not wise; I might say now, with the information I have, that it may not be wise; but the President has adjudged upon it, the Secretary of War has adjudged upon it, these Governors have adjudged upon it, the commander-in-chief has adjudged upon it, and these men are asked for and called for. Shall they not come? I shall not take the responsibility of giving a vote against it.

Mr. FESSENDEN. I feel bound, having reported this joint resolution, that so far as I am concerned the Senate shall not act under any misapprehension of fact. There has been no call, in the technical sense of the word, to my knowledge, and I presume there has not been. The simple fact is that the Governors of these States, believing that it would be well to liberate the regular soldiers there and that these troops would render essential service, and all of them, as stated by the Senator from Ohio, having filled their quota, offered the services of a certain number of men to the Government for a specific period of one hundred days just at the most important period of the campaign, and the President agreed to accept their services. The arrangement was made so that the matter stands precisely thus: the President expected a certain number of men for a certain number of days. The ground on which I put it is, though it is not a call technically it is substantially; under the law the President undoubtedly has the power to call out the militia of the States.

Mr. POWELL. I ask the Senator to tell me what act gives the power.

Mr. FESSENDEN. The act which the Senator has in his hands.

Mr. POWELL. I think if the Senator examines that act he will be of a different opinion.

Mr. FESSENDEN. If the Senator is right I am mistaken.

Mr. JOHNSON. Will the Senator permit me a moment?

Mr. FESSENDEN. Let me get through. I rose simply to set myself right, because I never want to convey to the Senate any idea that is wrong. My notion was that the President had the power; that he could exercise it at any moment. If we do not choose to accept it as it stands, he can, if he pleases, make a formal call, and then we must do it, unless we repeal the law. If I am right in my construction of the law, that having been decided upon, I think it unnecessary and unwise to raise any technical questions upon the manner in which he has acted, he being Commander-in-Chief and having the authority to call out troops.

To be sure it may be said that by this appropriation we take the responsibility, we indorse it. So we indorse action whenever we make an appropriation. All the power that we have in these cases, beyond the power of merely looking into the matter and seeing whether the law has been specifically complied with, is to make or to withhold appropriations. In a time of war, when the military authorities are conducting it, whatever may be my opinion as to the wisdom of their action in a particular line, I am not to cripple the authorities, especially when I cannot understand and there is no reason why I should be made to understand (not being a military man or connected with these things) the wisdom of a particular thing; but I know what my duty here is, and that is to furnish the means. It is very different, as my friend from New Hampshire says, in these days from days of peace, when we can scrutinize their action as much as we please. If I were to be asked my opinion I should say that the men at the head of the Government are but men, and are liable to mistakes, a good many of them; and I think they have in some instances made them; but at the same time when I say that I should say in addition that I do not claim to be even as wise as they are, and not having their amount of knowledge I am more liable to be mistaken than they are in reference to the wisdom of their action, because they are acting in their sphere and I am acting in mine, I believe I have said all I know about this matter.

Mr. JOHNSON. Mr. President, I know of no statutes upon this subject except the original statute of 1795 and the act to which the honorable member from Ohio referred of the 17th of July, 1862, which is an amendatory act to the act of 1795, or, in the language of the profession, supplementary to the act of 1795. The two acts, therefore, are to be considered together.

It was assumed by my friend from Ohio—of course he thought it was very clear at the time, and the honorable member from Maine has taken the same view—that it was very clear that under the supplementary act of 1862 the President would have had a right to call for the troops who have been offered and accepted by him, and that it is therefore merely a question more of etiquette than anything else, a question of form, whether these men are properly in the service of the United States or not.

The act of the 28th of February, 1795, was passed for the purpose of meeting one of two emergencies: the first was an invasion by a foreign nation or by the Indian tribes; the other was an insurrection in some one of the States, and it was proposed, in anticipation of such an insurrection as we had afterwards in Pennsylvania, to give to the President the authority to call out for a limited period the militia upon the occurrence of either of these events, foreign invasion or domestic insurrection. The act therefore provides—

"That whenever the United States shall be invaded, or be in imminent danger of invasion from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action, as he may judge necessary to repel

such invasion, and to issue his orders for that purpose to such officer or officers of the militia as he shall think proper."

That is, without consulting the States or the authority of the States; and the next clause covers the case of an insurrection, and is in these words:

"And in case of an insurrection in any State, against the government thereof, it shall be lawful for the President of the United States, on application of the Legislature of such State, or of the Executive, (when the Legislature cannot be convened,) to call forth such number of the militia of any other State or States as may be applied for, as he may judge sufficient to suppress such insurrection."

In relation to the last, therefore, domestic insurrection, he is only authorized to call the militia from a State in which the insurrection does not take place, as he may be requested by the Legislature of the State if it is in session, or, if it is not in session, as he may be requested by the Executive. Then the second section of the act provides—

"That whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, it shall be lawful for the President of the United States to call forth the militia of such State, or of any other State or States, as may be necessary to suppress such combinations, and to cause the laws to be duly executed; and the use of the militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the then next session of Congress."

It is obvious that under that act the President would have no right to do what is done in this instance.

Mr. COLLAMER. That does not confine him to calling them out only when Congress is not in session.

Mr. JOHNSON. Then what is the meaning of saying that they shall be continued only until thirty days after the commencement of the then next session of Congress? "Then next session of Congress" to what? To the call.

Mr. COLLAMER. But if he calls them during the session they would remain in service until thirty days after the beginning of the next session.

Mr. JOHNSON. I may be wrong, but as I understand it the law goes on the assumption that Congress, when in session, will take care of the matter itself. It is a *quasi*-matter of war, and the whole war power being in Congress, the object of the act was to put it in the power of the President to provide for a contingency which could not be provided for by Congress because Congress was not in session, and it therefore stated that if he made the call the militia called out should be continued until the expiration of thirty days after the commencement of the then next session of Congress. "Then next session of Congress" to what? The next session of Congress convening after the call.

Mr. COLLAMER. That does not deny him the authority to call them out during the session.

Mr. JOHNSON. I rather think it does. He is only authorized to call them out by the law, and the men he is to call out are to go out of service within thirty days succeeding the next session of Congress; and it seems to me just as plain as words could make it that he cannot call them out when Congress is in session; Congress must do that. Then comes this act of 1862, and it provides—

"That whenever the President of the United States shall call forth the militia of the States, to be employed in the service of the United States, he may specify in his call the period for which such service will be required, not exceeding nine months."

It is not necessary to read further, except the next sentence:

"And the militia so called shall be mustered in and continue to serve for and during the term so specified, unless sooner discharged by command of the President."

The whole difference between the powers given by the supplement and the powers given in the original act, if I am right about the meaning of the second section of that act, in regard to which I differ from the honorable member from Vermont, is, that in his call the President is to specify the period for which service shall be required, but not to make it more than nine months, and the militia so called and so mustered shall continue in service for and during that specific period unless sooner discharged by command of the President. It repeals that part of the provision which says they are to go out of service at the expiration of thirty days after the meeting of Congress by providing that they are to remain for the whole number of days that the President by his call specifies; that they shall be in the service that number of days, but not more than nine months from the period they are mustered in.

It seems to me, therefore, that under neither of these acts could the President do what has been done in this case, and, in my judgment, it was unwise as a mere matter of expediency. We are all anxious to put an end to the trouble in which we are; all equally anxious, I am satisfied. So far as any Senator has spoken on the subject, there is a concurrence of opinion that if he had been asked to decide upon the propriety of such a call as this he would have decided against it. I assume, therefore, that every member of the Senate thinks that this measure is a very imprudent one, a very impolitic one, certainly a very costly one. The only question is, if we shall be of that opinion, whether we are to sanction it by an appropriation of $25,000,000, which in all probability will not be more than one half the expenditure that will be actually required, or stop it here.

Mr. FESSENDEN. I will say to the Senator that this is an estimate of what will be required for the pay, equipments, &c.

Mr. JOHNSON. I understand. There are always estimates, and yet at every session we have to make provision for very large deficits. That, I think, judging from the past, is likely to be the case in the present instance; but that of course is mere matter of speculation.

Two things to me seem rather singular, if not unaccountable. How did it happen that the Governors of only three States of the United States thought proper to make this suggestion?

Mr. HENDERSON. Five.

Mr. SHERMAN. Ohio, Indiana, Illinois, Wisconsin, and Iowa.

Mr. JOHNSON. Have they consulted the Governors of the other States? I suppose not. Has the same thing suggested itself to the Governor of any other State? I suppose not. How happened it that neither the President of the United States, nor any member of the Administration, nor the commanding general in the field, nor any man in the military service of the United States, as far as we have any knowledge, ever had the thought in his own mind of calling out these troops for this period of time? The Governors come here and they make the proposition to the President, and the President after a while agrees to accept it. If he has accepted it so as to bind us under a law which we have passed giving him the authority to accept it so as to bind us, there is an end of it; good faith requires that we should make it good; but taking the view I do, that we are under no such obligation, I feel constrained to vote against this appropriation.

Mr. WILSON. There is one law to which the Senator from Maryland has not referred that I think makes this subject very clear—the act of July 29, 1861, which provides—

"That whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President of the United States, to enforce, by the ordinary course of judicial proceedings, the laws of the United States within any State or Territory of the United States, it shall be lawful for the President of the United States to call forth the militia of any or all the States of the Union, and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion in whatever State or Territory thereof the laws of the United States may be forcibly opposed, or the execution thereof forcibly obstructed."

Then the next section provides—

"That whenever, in the judgment of the President, it may be necessary to use the military force hereby directed to be employed and called forth by him, the President shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a limited time."

The third section provides—

"That the militia so called into the service of the United States shall be subject to the same rules and articles of war as the troops of the United States, and be continued in the service of the United States until discharged by proclamation of the President: *Provided*, That such continuance in service shall not extend beyond sixty days after the commencement of the next regular session of Congress, unless Congress shall expressly provide by law therefor."

Mr. JOHNSON. That law has expired.

Mr. WILSON. No, sir. It was passed during the extra session of Congress in 1861, and the President has availed himself of the right to call out the militia under it; and the militia were called out, it will be remembered, in 1862, to the extent of about seventy thousand men; and we passed a law subsequently, allowing them to be called out for a period not exceeding nine months.

Mr. CONNESS. Mr. President, as I shall cast a vote, I desire to say why it shall be cast in the way it will be upon this measure. Ordinarily I sit here from day to day and vote affirmatively upon all measures that are deemed necessary by the administrative power for carrying on this war. I frequently give those votes when I have considerable doubts as to the propriety and wisdom of the measures; but I feel it my duty in these times to give by my vote such support as it can give to those who are engaged in administering the Government. Whenever those measures coincide with my judgment it affords me a peculiar pleasure to give those votes. I regret to say that the measure now before this body does not secure the concurrence of my judgment.

When the enrollment bill was before the Senate the Senator from Massachusetts, the chairman of the Committee on Military Affairs, proposed to limit the services of the troops to be called out under that act to two years rather than three. It will be remembered that I made some opposition to that suggestion of the honorable Senator. I did it because I believed that no halfway dealings would ever result in the suppression of the rebellion. I did it because I believed that such a proposition as he made would dampen the spirit of the country and would affect the confidence of the country in the administrative and legislative branches of the Government. But, Mr. President, what shall I say of this measure, which proposes that one hundred thousand men shall be called into the field for one hundred days, at an expense proposed now to be appropriated of $25,000,000, perhaps to be doubled, perhaps to be quadrupled?

And, sir, what account do we get of this measure? The first knowledge that I had of it came to me from the public press. It was stated that certain gentlemen, Governors of the States, were coming to Washington to propose a measure of this kind, and next it was stated that they had arrived in Washington and were engaged in making the proposition. I have great respect for those gentlemen; I believe each one of them to be a patriot and a valuable adjunct of the country at this time; but I ask who appointed them to generate and originate measures for carrying on this war? Is the measure before us in any respect properly one of their functions, or is it not, if it be a measure of war at all, more properly, and indeed exclusively, the function of the President of the United States and his Cabinet? I would have respect for this measure, even with its one hundred days hanging to it, if it had originated in the mind of the President, was the reflex of his Cabinet, or was an original demand of the lieutenant general commanding the armies of the United States. That, however, is not the case. It is a proposition coming from patriotic Governors, and then accepted by the President, we are told, and then accepted by General Grant. If that be so, this part of the war is clearly being conducted by the Governors of the States, five of them. I object to that. It can get no vote of mine. I think that is not the way to deal with this war. I ask the question here as a Senator, and as one who can say without any boasting that he feels as profoundly impressed with the exigencies of these times as a human being can; I ask in God's name why the President of the United States, if he wanted additional men now, did not call for one hundred thousand three years' men, two hundred thousand three years' men, or five hundred thousand three years' men, and inspire the nation, rather than trifle with its temper, engage in modifying its courage and abating it, and in proposing, for that goes with it, an expenditure of money that we know we do not possess, though we may vote it here to-day.

Mr. President, it must be known and understood that I make these remarks as a friend of the Administration, for it has no better friend within the confines of this nation, though I say it; but it belongs to the people, it is their due—it belongs to us—to seize this rebellion and grapple it by its throat, not with hundred day men, but with the strong arms of the nation, as many of them as are needed; and we all say here from day

to day that we have the power to summons them to the field, to command their services, and if they are not yielded, to compel their services in behalf of the Republic. I think, sir, and I feel, it is time we resorted to other measures than this. I often vote away my judgment. I do it willingly. I differ from my friend on my right here in that, [Mr. DAVIS.] I consider my judgment a small consideration in view of the great conditions and considerations that are passing in review before me, and I am willing to repeat that action. But I confess that when I am asked, as an Administration measure, as a measure to put down this rebellion, to strengthen the hands of the Government, to vote these $25,000,000, and thus initiate an expenditure that promises no results of equal profit and benefit to us, it sickens me at heart, and I cannot, sir, I cannot yield the vote.

I do not raise the question which has been presented by the honorable Senator from Maryland, as to whether this or that statute gives the President the power. I but ask from him and from those that are his constitutional advisers manly, strong, firm, decided action; action that gives promise of results, promise of compensation for the great expenditures that we are making. I think it would be wise to vote this measure down here to-day, and I am free to say that if the country did not approve it I would yet do it, for we know that measures like this will never win this great fight in which we are engaged. Nearly every man of us feels in his heart that means of this kind do not become us as a nation; do not become us as a Senate.

But it has been said by some that this call has been made; by others that it has not been made. I care not whether it has been made or not. I say it would be wise, in my opinion, to stop it here, and to demand that the President shall issue his call for half a million of men if necessary, and, as I said before, inspire the nation and talk to the nations of the earth, and show them that we mean to sustain this Government, though the entire face of the land be devastated in the process of doing it. Let a little spirit of that kind be manifest, and I tell you that these rebel armies will soon dissolve before the spirit and blows of the nation. But your one hundred day men and your measures suggested by patriotic Governors that make a tour to the national capital, will not, in my judgment, accomplish that result. Therefore, Mr. President, I shall content myself by voting, and taking the responsibility of voting, against this bill.

Mr. LANE, of Indiana. Mr. President, with the permission of the Senate, and their kind indulgence, I will say a very few words to give my opinions in reference to the joint resolution now pending before the Senate. As I understand it, this is a resolution to appropriate $25,000,000 for the payment of certain troops who have been offered by the Governors of five States, and accepted by the President of the United States, to serve for one hundred days after they shall have been mustered into the United States service. I take it for granted, from the two acts to which reference has been made, that the President had the power to make the call. I am equally certain that the President has made the call substantially. I have here a proclamation of Governor Morton in reference to twenty-five thousand troops to be raised in Indiana under this call, in which he recites the offer of the Governors of Ohio, Indiana, Illinois, Iowa, and Wisconsin to raise one hundred thousand volunteer troops for the service of the Government; and of that hundred thousand the Secretary of War and President of the United States accepted to the extent of eighty thousand, and upon that acceptance proclamations have been issued by these several Governors, in which they recite the offer and the acceptance of the offer by the President of the United States; and that is to all intents and purposes a call for these troops, an effectual call for these troops, and an acceptance of the offer.

Now, how can the President raise troops upon a call under your laws? In one of two ways: either by conscription and draft, or by accepting volunteers. Here he proposes to accept volunteer troops. Here is no draft proposed in any of these States to raise these troops. It is voluntary on the part of the Governors, voluntary on the part of the soldiers. But we are told that the proposition came first from the Governors, and did not originate with the President and his Cabinet. Why should not the call have come first from the Governors of Ohio, Indiana, and Illinois? Only last year Indiana and Ohio were invaded by John Morgan, and several millions worth of property were destroyed, and many lives sacrificed, and John Morgan marched for more than six hundred miles unimpeded through those two States simply because there was not upon the border such an organized force as we now propose; and recently within sight of the shores of Illinios there was a bloody attack upon Paducah, in Kentucky, and within sight of the shores of Missouri the terrible massacre at Fort Pillow. These Governors, whose sworn duty it is to command the militia of their respective States, to suppress insurrection and repel invasion, and preserve the peace within their borders, saw the importance of the immediate organization of this force. It was right and proper and patriotic that the call should have come from these several Governors.

Sir, I have uniformly opposed short enlistments and favored a vigorous conscription law, a law which shall deny the right of commutation, and I am prepared to-day to vote for a law which shall also deny the right of substitution. I have always been prepared to draft soldiers for three years; but yet I am not prepared to say that this is not a wise measure now, and the wisest possible measure that the wisest men upon earth could have devised to meet the emergency which now stares us in the face. What need have you for your soldiers, and what duties have they to perform? We have a frontier line of more than fifteen hundred miles; we have a blockade system involving a coast line blockaded of more than a thousand miles. We have taken posts there, and made them depots of provisions and arms and munitions. They have to be garrisoned and defended, or you give up your whole blockade system. You have ordered your armies into the rebel States. We have to keep up their communications, to defend their munitions and arms by garrisoning posts along that line of fifteen hundred miles of frontier. We need soldiers to advance into the rebel States to crush their military power, and we equally need soldiers to man the fortifications and preserve our communications. I believe that these troops mustered in for one hundred days will be as effective as any other troops within these fortifications to defend the fortifications and to keep up your line of communication and to protect the transportation of arms and munitions to your armies in the field.

How many soldiers have you now in garrison on your coast and in garrison on your frontier and protecting your communications? More than eighty thousand; and for every single volunteer accepted under this call you release a veteran soldier to go into the armies to fight the battles of the country; and you will need them all, and need them all within the next ten days. There are two great strategic points where the two contending armies are being concentrated, upon the Rapidan and in northern Georgia. You need every veteran soldier you have. These volunteers, if immediately called into the service, will fill the places of the veterans now in garrison, and the soldiers in garrison will march to the front; and I believe it is a wise provision.

But gentlemen say you call for these men just at the planting season in the planting States, and take them from their ordinary labors. Who complains of that? This call has been made some six or eight days in the State of Indiana, and in every county, town, and township in the State, almost, we have called meetings, characterized with the utmost enthusiasm; and perhaps while we are deliberating here to-day, Indiana has ten thousand of these volunteer soldiers in rendezvous at Indianapolis ready to go wheresoever you order them. They have not complained, and they have the most interest. I am receiving letters daily, and I have watched our papers, and no one in Indiana or in Illinois, or in any of these other States, so far as I know, has complained of the hardship of the call. Let the complaint come from those who are interested. Let us not imagine it.

I do not know that the Administration, strong as it is in patriotism and in the confidence of the people, is prepared to disregard the patriotic suggestions of five Governors from noble loyal States: I think, under all the circumstances, this is a wise measure. Whom does it take from the workshop and the farm? No one who is not willing to go.

But gentlemen argue as though these were raw troops who had never been drilled, who had never held arms. We have in the State of Indiana sixteen thousand of the home legion, who have been armed and drilled for some twelve months; and many companies, without a single exception, have volunteered for this hundred days' service, and many regiments have volunteered almost entire. I think we need their services; we need to swell our armies; and I believe that within twenty days you may have under this call eighty thousand troops who will take the place of eighty thousand veteran troops, and in fortifications do good service. But, sir, the history of the war shows the raw, green regiments that gentlemen speak of have done noble fighting in the open field. One brigade at Pittsburg Landing, composed partly of Ohio and Indiana troops, three days after they received their arms, went into that bloody fight and covered themselves with glory. I hope much from this volunteer force, and I trust the joint resolution will be passed.

The joint resolution was reported to the Senate without amendment.

Mr. WILSON. I move to amend the resolution by adding the words "after their muster into the service of the United States by regiments," so as to get a hundred days' service out of them after they are mustered in as regiments.

Mr. SHERMAN. I trust that amendment will not be adopted. These men are called from labor which would yield them from two to ten dollars a day; they drop their tools at the workshop; they leave the farm; they leave the counting house; they answer your call in a moment; and it seems to me that from the very day their militia organization moves from the place of their residence their pay ought to commence; and remember they ask no bounty. There is not a man of this force who will come from the State of Ohio that will not make a sacrifice more than we are called upon to make here, and I think therefore it is a very idle thing to undertake to limit their term of service except from the time when they leave their homes.

Mr. WILSON. I am certainly in favor of paying these men for every day's service they render, and if the Committee on Finance think we have got security that these men will serve the country a hundred days, I am willing to withdraw my amendment. What I desire to accomplish is to prevent the hundred days being squandered in raising and organizing these regiments without securing their actual service.

Mr. JOHNSON. That is one of the objections to the system. They are called only for one hundred days. If you make the one hundred days to commence from the time the man first volunteers his services, we shall not get the benefit of him for sixty days at least. There is now a dispute between the Government and some of the soldiers belonging to the regiments of New York and a large portion of some of the regiments of Pennsylvania, and the Legislature as well as the Executive of Pennsylvania are siding with their troops, as to whether their term of service expires at the expiration of three years from the period when they enlisted or three years only from the time they were mustered into the service. The Government have decided, and I have no doubt decided properly—certainly if they have not the right to do so, they ought to have it—that the service commences from the time they were mustered in.

Now you are about to provide, unless some such amendment as that suggested by the chairman of the Military Committee is adopted, that these three months' men are to be paid from the day they leave their homes. If you do that, you will have to pay the troops of Pennsylvania and the rest too for the additional period they are made to serve by the decision of the War Department. I know the Department and the officers of the Government think it all-important that the obligation of the United States to pay should commence from the period of muster into service in order to compel them to go into the service at the earliest moment. It may be hard on these men from Ohio, I know, that they should lose their time altogether without any compensation.

Mr. SHERMAN. Allow me to make a suggestion here. There are thirty regiments ordered from Ohio, I think, almost two from every congressional district. Now, there are no mustering officers at their places of rendezvous. They are called upon to rendezvous at the centers of their regiments.

Mr. FESSENDEN. Let me set my friend right. He is going on a supposition. If Senators think it necessary to provide for this by law, it can be done; but the Secretary of War expressly stated to me that the offer of the Governors and the President's acceptance was specific; that the men are to serve one hundred days from the time they are mustered into the service of the United States.

Mr. SHERMAN. If there is any stipulation of that kind I have no objection.

Mr. JOHNSON. Then they will not be paid.

Mr. SHERMAN. And there is no use in the amendment.

Mr. FESSENDEN. That is the statement made to me; and I think there is something said about their being mustered in in the resolution itself. Let it be read.

The joint resolution was again read.

Mr. FESSENDEN. Nothing is said there except that they are for a period of not less than one hundred days; and the Secretary stated to me expressly, for I inquired about it, that the term of service was to be one hundred days from the time they are mustered into the service of the United States. Of course they cannot be paid for more.

Mr. JOHNSON. Then the mischief of which the Senator from Ohio speaks will occur.

Mr. SHERMAN. There is no mustering officer at the place of rendezvous, and they will march to Cincinnati before being mustered in; but I am perfectly willing to leave that without any provision of law, for I think the justice of the Government will pay them, but I do not wish them to be excluded by an amendment like that of the Senator from Massachusetts.

Mr. FESSENDEN. The offer was as I have stated, and that was the acceptance, and of course they will not be paid for anything except the service they render according to the tender and the acceptance.

Mr. HOWE. I would not have said a word in this debate but for one feature that has developed itself in it. Several Senators have spoken upon this proposition as if it was a boon they were about to grant to these States to be allowed to raise eighty thousand men to serve for one hundred days. So far as the State of Wisconsin is to participate in this bounty, I feel authorized to say that she would be entirely willing to relinquish it. The State of Wisconsin has furnished her quota under all your calls for all your periods that you have assigned to the service of the different detachments of your Army, and now she stands ready, I understand, to furnish her quota of these eighty thousand men to serve for one hundred days. If the Government wants these men she is willing to supply them in addition to all she has done heretofore; and labor is as much to her as it is to any State in New England or any State in the Union. She is willing to make this sacrifice, but it is not a privilege for her citizens to enter upon your service and serve one hundred days, or ten days, or one day, for thirteen dollars a month. It is not a favor that she asks, it is not a privilege that she craves. If you want these services she will contribute them; and if she contributes them I ask you in common justice to give to her citizens the pay of soldiers—that is small enough, everybody knows—and give them that pay from the time they enter into your service, and do not treat this offer as if Wisconsin came here a mendicant asking to fight your battles for you. The Senator from Indiana has told you rightly that this proposition puts not merely eighty thousand raw troops into the service, but it makes eighty thousand veteran soldiers available in fighting the battles of this coming campaign. I do not undertake to say for that reason that it is a wise measure. I believe it is a wise measure. I believe the General-in-Chief who now leads your armies knows how to dispose of eighty thousand raw troops so as to add to your securities for success. I think so; and therefore I do not unite with those who pronounce this a silly and absurd measure; but if you think it an absurd measure reject it altogether, and do not draw our men from home; but if you draw them from home pay them honestly and squarely.

Mr. CONNESS. I understand there is no amendment pending.

The PRESIDENT *pro tempore*. There is none pending.

Mr. CONNESS. I offer the following amendment:

Provided, That it shall be conditioned by the War Department that the troops to be organized under the call referred to herein shall, if the public exigencies, require it, be required to serve for the period of six months from the time of muster.

I fear that if this measure shall pass these troops will be mustered out of the service or will be entitled to be mustered out just when we want them most. On the 1st of August or thereabouts these troops will be entitled to their discharge. It appears to me that this war is going to last beyond that, and that if the campaign of this year amount to anything, we must make calculations beyond that time.

It also occurs to me that if the soldiers are willing to serve for three months, so far as they are concerned, they will be willing to serve in the midst of the war, but it is our duty to provide that they shall before this measure shall pass. I hope the amendment will receive the concurrence of the Senate. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. LANE, of Indiana. These troops were offered by the several Governors for one hundred days. That offer was accepted. A great many of them have already volunteered under that call. Now, can we extend the time to six months without releasing all who have volunteered? It strikes me as utterly absurd.

The question being taken by yeas and nays, resulted—yeas 11, nays 25; as follows:

YEAS—Messrs. Chandler, Conness, Davis, Harding, Harlan, Henderson, Howard, Nesmith, Pomeroy, Ramsey, and Sprague—11.

NAYS—Messrs. Anthony, Buckalew, Carlile, Clark, Collamer, Cowan, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Howe, Johnson, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Powell, Riddle, Sherman, Sumner, Van Winkle, Willey, and Wilson—25.

So the amendment was rejected.

Mr. HENDERSON. I offer this amendment to come in by way of proviso at the end of the resolution:

Provided, That no part of this appropriation shall be used in paying, subsisting, or transporting troops that may be mustered into the service after the 10th day of May, 1864, unless they shall be mustered in for a period of six months, if not sooner discharged by the President.

I presume that the object of this measure on the part of its friends is to have a large force thrown into the field to assist in the spring campaign. There is, however, no limitation upon the resolution as it now stands, and I suppose these troops can be received, one regiment after another, during the whole summer and fall. If there is any virtue in it, let them all be called in at once and immediately. I insist that some limitation of time should be fixed by Congress beyond which these troops shall not be received unless they enlist for a longer term. If we are bound to adopt this proposition because the President has accepted the offer made to him, though we were in session, I think we have a right to put some limitation upon it.

Mr. JOHNSON. Have you not made it too short?

Mr. HENDERSON. I think not; but if it is, let additional time be allowed. My impression is that if these troops are to be of any service, they ought to be at the points where the battles are to be fought in the course of the next two or three weeks. I understand from Senators these troops are already organized and ready to be mustered in. I understood the Senator from Ohio to say so.

Mr. SHERMAN. I think that is only so in Ohio.

Mr. LANE, of Indiana. And about half of them in our State.

Mr. HENDERSON. Then it will not require more than eight days to get the rest. I am willing, however, to modify my amendment by fixing the 15th of May as the date.

Mr. LANE, of Indiana. I hope no such amendment will be adopted. Here was an offer of troops for one hundred days which has been accepted, and the Governors have all issued their proclamations under it. In the first place, if you make any amendment the resolution must go back to the House of Representatives and be subjected to delay there. In the second place, if you adopt this amendment, the Governors will have to issue new proclamations and resort to new machinery. I hope we shall let the matter stand as it is.

Mr. HENDERSON. Certainly the Senator does not understand the amendment. It does not affect the calling into service of those troops that may be mustered in prior to the period limited.

Mr. SHERMAN. With the leave of the Senator from Missouri I will mention a case. Troops will be organized all over the State of Ohio. They cannot find a mustering officer probably for eight or nine days; probably Cincinnati is the first point where they will reach a mustering officer, and it may take some of them ten days to get there.

Mr. FESSENDEN. Cannot mustering officers be easily sent to the various points?

Mr. HENDERSON. The amount of it is that we are called upon now to vote an appropriation of $25,000,000, and, as has been very properly stated by the Senator from Maryland and other Senators, this is only a beginning; it will take twenty-five or thirty or forty or fifty millions more in order to meet all the requirements that will be thrown upon us by the passage of this resolution. I am as well satisfied of it as I am that I am standing here. The transportation alone of one hundred thousand men to the seat of war and back again is an immense item at the present prices of transportation. Then they are all to be armed, and the arms never will be returned; they will be as effectually destroyed in the hundred days as if they were in the hands of men to serve during the war, for these troops will not expect to need them longer than their time, and there will be extravagance and folly among them, as we all know exists with troops of this character. Besides we are passing the resolution in such a shape that during the whole summer and fall and next winter the President may go on receiving hundred day troops, and it will amount to nothing. If there is any virtue in this proposition it consists in the fact that these men are to be thrown in a vast body into the field in the course of ten, fifteen, or twenty days from the present time to enable veteran troops to go to the seat of war in order that the rebels may be crushed. For that reason I desire to have some limitation placed upon the time when these men shall be received for this purpose; and I modify my amendment by inserting the "15th" of May, instead of the "10th."

Mr. GRIMES called for the yeas and nays, and they were ordered.

Mr. BUCKALEW. I wish to suggest to the Senator from Missouri that the language of his amendment should be, "at least six months," leaving a discretion for a longer time.

Mr. HENDERSON. I have no objection to that; and I will so modify my amendment.

The PRESIDENT *pro tempore*. The modification requires unanimous consent. The Chair hears no objection, and the amendment will be so modified.

The question being taken by yeas and nays, resulted—yeas 17, nays 19; as follows:

YEAS—Messrs. Buckalew, Carlile, Chandler, Conness, Davis, Hale, Harlan, Henderson, Howe, Johnson, Pomeroy, Ramsey, Riddle, Sprague, Sumner, Willey, and Wilson—17.

NAYS—Messrs. Anthony, Clark, Collamer, Cowan, Doolittle, Fessenden, Foot, Foster, Grimes, Harding, Howard, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Nesmith, Powell, Sherman, and Van Winkle—19.

So the amendment was rejected.

The joint resolution was ordered to a third reading, and was read the third time. On the question of its passage,

Mr. GRIMES called for the yeas and nays; and they were ordered.

Mr. DAVIS. There was an old lawyer in Kentucky a good many years ago who established a manufactory of young lawyers, [laughter,] and he required his apprentices to serve for three months, when he turned them out. He turned them out about as good lawyers as this term would make soldiers, and I think his mode of tuition was about equivalent to the system on which it is proposed to get these volunteers. But, sir, the ways of the President of the United States to me are past finding out. Kentucky knocked at the door of the Executive Mansion and of the Senate for about eighteen months, for the privi-

lege of raising twenty thousand volunteers to serve for six months or twelve months in defense of that State. That State was subjected to continual raids and invasions along about half its exterior border. There never was a people on earth more anxious for the passage of a measure than were the loyal men of Kentucky for the passage of that measure. Our Governor and one of our principal generals came on here together to importune the Government, and to beset members of Congress, in season and out of season, to get that measure passed.

Mr. HOWE. Allow me to remind the Senator that the objection to raising those troops was that they were to be raised for the service of Kentucky.

Mr. DAVIS. It was proposed that that force should be a volunteer or State militia force for the defense of Kentucky. When Lee invaded Pennsylvania and Maryland last summer, the President, impromptu, of his own motion, issued first a proclamation to raise one hundred thousand six months' volunteers for the defense of those States, and in two or three days he enlarged the number to one hundred and twenty thousand. After a long delay we succeeded in securing the passage by the House of Representatives of our bill authorizing us to raise twenty thousand volunteers, by a vote of about two to one, and after it had been suspended before the Senate for twelve or fifteen months this body did us the grace and the special favor to pass it, with an amendment providing that all the force which might be raised under the bill should be at all times subject to be ordered by the President in other service than the defense of the State. That condition did not satisfy us, but we accepted it, and our Governor went on and raised upwards of seven thousand troops under that law, and he had scarcely got them assembled together at a general rendezvous when the President ordered them all into other States. Here is the difference between localities. It shows that "kissing goes by favor."

Mr. GRIMES. That is the way the world over.

Mr. DAVIS. Yes, the world over. Pennsylvania and Maryland could get a spontaneous proclamation from the President to raise one hundred and twenty thousand troops for their defense, and here these five Governors can get authority to call out these troops, though I have heard it insinuated that they originated this measure for electioneering purposes, and to carry their States at the next fall election. I suppose under the interior lights that have been given to the President and to gentlemen who are in the secrets of the party the measure is to pass for that special service, and that is the amount of duty that these one hundred thousand hundred day men are to perform at a proposed cost of $25,000,000 now, but which, I have no doubt, will eventually rise to $100,000,000 before Uncle Sam has paid all the bills.

The question being taken by yeas and nays, resulted—yeas 22, nays 13; as follows:

YEAS—Messrs. Anthony, Clark, Collamer, Cowan, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Howard, Howe, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Sherman, Sumner, Van Winkle, Wiley, and Wilson—22.

NAYS—Messrs. Buckalew, Carlile, Chandler, Conness, Davis, Harding, Henderson, Johnson, Nesmith, Pomeroy, Powell, Riddle, and Sprague—13.

The PRESIDENT *pro tempore*. There is not a quorum voting; no other business is in order.

Mr. POWELL. I move that the Senate do now adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 2, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of Saturday was read and approved.

The SPEAKER. The first business in order is the call of committees for reports to go upon the Calendar, and not to be brought back by a motion to reconsider.

J. W. NOKES.

Mr. BROWN, of West Virginia, from the Committee of Claims, reported a bill for the relief of J. W. Nokes; which was read a first and second time, and referred to the Committee of the Whole House, and ordered to be printed.

JURISDICTION OF THE COURT OF CLAIMS.

Mr. THOMAS, from the Committee on the Judiciary, reported back, with amendments, a bill concerning the jurisdiction of the Court of Claims; which was read a first and second time, referred to the Committee of the Whole House, and the bill and amendments ordered to be printed.

The SPEAKER. The committees having been called through, the next business in order is the call of States for resolutions.

AFRICAN SLAVERY.

Mr. FRANK presented joint resolutions of the Legislature of the State of New York for the final abrogation of the system of African slavery; which were referred to the Committee on the Judiciary, and ordered to be printed.

BOUNTIES TO VOLUNTEERS.

Mr. CHANLER presented a joint resolution of the Legislature of the State of New York in reference to bounties to volunteers; which was referred to the Committee on Military Affairs, and ordered to be printed.

HALL OF THE HOUSE OF REPRESENTATIVES.

Mr. PIKE introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Public Buildings be requested to inquire into the practicability of making such change in the Hall of the House of Representatives as shall carry at least one side of the Hall to the outer wall of the building, and report the most feasible plan and the probable expense of the same.

The call of States having been completed, the House proceeded, as the next business in order, to the consideration of resolutions laid over one day under the rule.

DEBT INCURRED BY THE STATES.

A resolution directing the Secretary of the Treasury to report the amount of debt incurred in the several States in their efforts in suppressing the rebellion, introduced by Mr. BLAINE on the 7th of January last, was taken up, and, on motion of Mr. GARFIELD, referred to the Committee on Military Affairs.

TWO PER CENT. LAND FUND.

A resolution offered by Mr. MORRISON on the 11th of April last, requesting the Secretary of the Treasury to furnish to the House, at as early a day as possible, information showing, first, the amount received into the Treasury of the United States from the two per cent. fund, arising from the net proceeds of the sales of public lands made in the State of Illinois since January 1, 1819, and reserved in her enabling act for road purposes; giving the dates from time to time when so received, and the respective amount of each payment opposite such dates; secondly, whether anything is charged in the Treasury Department against any fund, or any offsets exist against it there, and if so, when and how did such charges occur or were such offsets made, and upon what basis, stating particularly the amounts and dates of said charges or offsets, and the respective times, mode, or manner in which such two per cent. fund was expended, and where, if at all, and the evidence of such expenditure, and the authority therefor, was next taken up for consideration.

Mr. MORRISON. Upon that resolution I demand the previous question.

The previous question was seconded, and the main question ordered to be put; and under the operation thereof the resolution was agreed to.

RESTORATION OF REBELLIOUS STATES.

The SPEAKER stated that the next business in order was the consideration of resolutions upon which debate had arisen, and which had been laid over under the rules. The first resolution in order of this class was the following resolution offered on the 14th of December last by the gentleman from Kentucky, [Mr. HARDING:]

Resolved, That the Union has not been dissolved, and that whenever the rebellion in any one of the seceded States shall be put down and subdued, either by force of the Federal arms or by the voluntary submission of the people of such State to the authority of the Constitution, then such State will be thereby restored to all its rights and privileges as a State of the Union under the constitution of such State and the Constitution of the United States, including the right to regulate, order, and control its own domestic institutions according to the constitution and laws of such State, free from all congressional or Executive control or dictation.

Mr. HARDING. Mr. Speaker, some time since in Committee of the Whole on the state of the Union I delivered something like the remarks I intended to have delivered when this resolution came up in its regular order. I take it for granted that no Union man can object to this resolution. It takes the ground that the Union has not been dissolved, and the remainder is the necessary sequence from that.

Mr. ASHLEY. Is debate in order?

The SPEAKER. Certainly. The resolution gave rise to debate, and went over, and it is now in order to debate it.

Mr. HARDING. The question upon which this whole controversy turns is whether the Union has or has not been dissolved. If it has not been dissolved, then whenever the rebellion in any one of these States is subdued the authority of the Constitution and laws of the United States are immediately restored, and neither the President, nor Congress, nor any other department has any shadow of constitutional right to dictate to the people of those States in regard to the form of government which they shall set up, nor in regard to any matter pertaining to their local jurisdiction. Whoever contends that this resolution is wrong places himself in the position of declaring that this Union has been dissolved. He must either be a revolutionist or he is a secessionist. A man who takes the ground that the Union is dissolved can oppose this resolution, but no other man can.

I know, sir, that it has become quite common nowadays for gentlemen who once espoused the cause of the Union with great ardor, men who once stood where President Lincoln stood in his inaugural address when he declared that the Union was not dissolved and that it could not be dissolved, who are now repudiating that whole doctrine, to take the ground that the Union has been dissolved, and that these southern States constitute a foreign government.

Sir, if it be true that the Union has been dissolved, then by what authority is it that taxes are being collected in the seceded States; by what authority is it that their lands are being sold and parceled out? If the Union has been dissolved, how did it take place? Was it by virtue of these ordinances of secession? Is there any gentleman here prepared to acknowledge that there was virtue in those ordinances of secession to dissolve this Union? If not, then how did the Union become dissolved? Was it by force of the confederate arms? Could that which was void and nugatory be made operative by violence and force and bloodshed? Were their ordinances of secession utterly null and void? Gentlemen say they were. How then was the Union dissolved? Was a void act made operative and obligatory by force and bloodshed? No man can say that. The Union, therefore, has not been dissolved. What then is the matter? Why, there is a rebellion there among a portion of the people. When that rebellion shall be subdued by force of the Federal arms the only justification of the war will be gone. The only thing that could justify the President in moving at all by force of arms in the rebellion, and the moment that rebellion is subdued and put down the cause of the war ceases, and with it the war must cease also; and if the President or this Congress should, for abolition purposes, protract the war a solitary day beyond the suppression of the rebellion, then you become rebels; you rebel against the Constitution; you change places with the rebels, and become revolutionists and rebels yourselves.

My resolution then takes the ground that the Union has not been dissolved, and that when the rebellion is suppressed by force of the Federal arms, or by the voluntary submission of the people of those States to the authority of the Constitution, then that State is thereby restored to all its rights and privileges under the Constitution, may send Representatives to Congress, and do all other acts which any other State in the Union can do.

Sir, what difference is there between the States in the Union, the rebellion being suppressed? There is no more constitutional power to intermeddle with the local institutions of the State of Louisiana than with those of Massachusetts, and any attempt to do it is nothing more nor less than revolution, as unjustifiable in its character as the revolution in the South, because it is equally a revolution against the Constitution of this Gov-

ernment; it seeks its subversion and utter overthrow. Any attempt to control a State organization after the rebellion shall have been overthrown proceeds upon the ground that the Union is dissolved. What right can we have to reëstablish State governments in the South if the southern States be still in the Union? The very idea of reconstruction is an absurd and revolutionary idea, because it admits the dissolution of the Union. There can be no reconstruction of a State government that is still in existence. I move the previous question on the adoption of the resolution.

Mr. ASHLEY. I move that the resolution be referred to the committee on the rebellious States.

The SPEAKER. The motion is not in order during the pendency of the previous question.

Mr. UPSON. I move to lay the resolution on the table.

Mr. HOLMAN. On that I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 67, nays 56; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, John D. Baldwin, Baxter, Beaman, Blow, Boutwell, Boyd, Brandegee, Broomall, Cole, Henry Winter Davis, Deming, Donnelly, Driggs, Eckley, Eliot, Farnsworth, Fenton, Frank, Garfield, Grinnell, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Hulburd, Julian, Kelley, Francis W. Kellogg, Loan, Longyear, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Norton, Charles O'Neill, Orth, Perham, Pike, Pomeroy, Price, Alexander H. Rice, John H. Rice, Edward H. Rollins, Scheneck, Scofield, Shannon, Sloan, Spalding, Stevens, Thayer, Upson, William B. Washburn, Williams, Wilder, Wilson, and Windom—67.

NAYS—Messrs. Ancona, Baily, Augustus C. Baldwin, Jacob B. Blair, Brooks, William G. Brown, Chanler, Clay, Cox, Dawson, Denison, Eden, Eldridge, Finck, Ganson, Grider, Griswold, Hall, Harding, Harrington, Charles M. Harris, Herrick, Holman, Hutchins, Philip Johnson, William Johnson, Kernan, King, Knapp, Law, Lazear, Le Blond, Long, Mallory, Marcy, McDowell, McKinney, Morrison, Noble, Perry, Radford, Robinson, James S. Rollins, Ross, Scott, Smith, John B. Steele, Stiles, Strouse, Stuart, Whaley, Wheeler, Chilton A. White, Joseph W. White, Fernando Wood, and Yeaman—56.

So the resolution was laid on the table.

During the roll-call,

Mr. STILES stated that his colleague, Mr. MILLER, had been called home on account of sickness in his family.

Mr. UPSON moved to reconsider the vote by which the resolution was laid on the table; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

STATE RIGHTS.

The SPEAKER stated that the next business in order was a resolution introduced on the 14th of December last by the gentleman from Kentucky [Mr. WADSWORTH] and laid over under the rule, (debate arising thereon,) declaring that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people, and the Federal Executive can neither directly nor indirectly exercise any of the powers thus reserved, or lawfully restrict or obstruct the exercise thereof by the people.

Mr. FARNSWORTH. I move that the resolution be referred to the committee on the rebellious States, and on that I move the previous question.

Mr. HARDING. Representing my colleague who is absent, I had risen to move the previous question on the resolution.

Mr. COX. I move to lay the resolution on the table, for the purpose of getting a vote on its merits, and on that motion I call for the yeas and nays. I will vote in favor of the resolution if I get a chance.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 0, nays 118; as follows:

YEAS—0.

NAYS—Messrs. Alley, Allison, Ames, Ancona, Anderson, Ashley, Baily, Augustus C. Baldwin, John D. Baldwin, Baxter, Beaman, Blaine, Blow, Boutwell, Boyd, Brandegee, Brooks, Broomall, William G. Brown, Chanler, Clay, Cobb, Cole, Cox, Dawes, Dawson, Deming, Denison, Dixon, Donnelly, Driggs, Eckley, Eden, Eldridge, Eliot, Farnsworth, Fenton, Finck, Ganson, Garfield, Grider, Grinnell, Griswold, Hall, Harding, Charles M. Harris, Holman, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Hulburd, Hutchins, Philip Johnson, William Johnson, Julian, Kelley, Orlando Kellogg, Kernan, Knapp, Law, Le Blond, Loan, Long, Longyear, Marcy, McBride, McClurg, McDowell, McIndoe, McKinney, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Morrison, Amos Myers, Leonard Myers, Noble, Norton, Charles O'Neill, John O'Neill, Orth, Perham, Perry, Pike, Pomeroy, Price, Radford, Alexander H. Rice, John H. Rice, Robinson, Edward H. Rollins, James S. Rollins, Ross, Scheneck, Scofield, Scott, Shannon, Sloan, Smith, Spalding, John B. Steele, Stevens, Stiles, Strouse, Stuart, Thayer, Upson, William B. Washburne, Wheeler, Chilton A. White, Joseph W. White, Williams, Wilder, Wilson, Windom, Fernando Wood, and Yeaman—118.

So the resolution was not laid on the table.

Mr. COX. Is not the next question on the motion to refer?

The SPEAKER. It is.

Mr. COX. I ask the gentleman from Illinois [Mr. FARNSWORTH] to withdraw that motion and let us have a fair vote on the resolution instead of smothering it. It is part of the Constitution of the United States. [Calls to "Order."] Will not the gentlemen give us a vote on the Constitution?

The SPEAKER. The gentleman from Ohio is not in order.

The previous question was seconded, and the main question ordered.

Mr. COX called for the yeas and nays upon the motion to commit.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 70, nays 50; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Blow, Boutwell, Boyd, Brandegee, Broomall, Cobb, Cole, Dawes, Deming, Dixon, Donnelly, Driggs, Eliot, Farnsworth, Fenton, Frank, Garfield, Grinnell, Higby, Hotchkiss, Asahel W. Hubbard, Hulburd, Julian, Kelley, Orlando Kellogg, Loan, Longyear, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Amos Myers, Leonard Myers, Norton, Charles O'Neill, Orth, Perham, Pike, Price, Alexander H. Rice, John H. Rice, Edward H. Rollins, Scheneck, Scofield, Shannon, Smith, Spalding, Stevens, Thayer, Thomas, Upson, William B. Washburn, Whaley, Williams, Wilder, Wilson, and Windom—70.

NAYS—Messrs. William J. Allen, Ancona, Baily, Augustus C. Baldwin, Brooks, William G. Brown, Chanler, Cox, Denison, Eden, Eldridge, Finck, Ganson, Grider, Griswold, Hall, Harding, Benjamin G. Harris, Charles M. Harris, Herrick, Holman, Hutchins, Philip Johnson, William Johnson, Kernan, King, Knapp, Law, Le Blond, Long, Marcy, McDowell, McKinney, Morrison, Noble, Perry, Radford, Robinson, James S. Rollins, Ross, Scott, John B. Steele, Stiles, Strouse, Stuart, Wheeler, Chilton A. White, Joseph W. White, Fernando Wood, and Yeaman—50.

So the resolution was referred.

During the call of the roll,

Mr. COX stated that Mr. PENDLETON had paired with Mr. KASSON.

Mr. FARNSWORTH moved to reconsider the vote by which the resolution was referred; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message in writing was received from the President of the United States, by Mr. NICOLAY, his Private Secretary.

WASHINGTON CANAL.

Mr. JOHNSON, of Pennsylvania, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Whereas the health of this city is of paramount importance, and the same is greatly endangered by an immense accumulation of filth in the Washington canal, from which a most deleterious miasma is continually rising to impregnate the atmosphere already charged with poisonous vapor from surrounding hospitals, which, in all probability, will be largely increased during the present summer: Therefore,

Resolved, That the Committee for the District of Columbia be directed to inquire into the expediency of draining by culvert, or in some way improving the Washington canal that it may be cleansed and the health of the city preserved, and that they report by bill or otherwise.

LEAVE OF ABSENCE.

On motion of Mr. STILES, by unanimous consent, leave of absence for ten days was granted to Mr. MILLER, of Pennsylvania.

RECORD OF VOTES.

Mr. WHALEY. Some days ago I paired with Mr. STROUSE, on account of feeble health. After returning, though still in feeble health, I thought it right to allow Mr. STROUSE to vote. I forgot to state to the gentleman from Pennsylvania that I could not possibly be here to vote upon the passage of the internal revenue bill, and Mr. STROUSE voted upon the passage of this bill. Under these circumstances, I ask permission to record my vote in the affirmative upon that bill.

There being no objection, the vote of Mr. WHALEY was accordingly recorded in the affirmative.

Mr. SMITH. I ask consent, also, to record my vote upon the passage of the internal revenue bill.

Mr. ANCONA. I will make no objection if the same courtesy is extended to gentlemen on this side of the House.

The SPEAKER. Is there objection to allowing all gentlemen who desire it to record their votes on the internal revenue bill?

Mr. SPALDING. I have objected uniformly and I now object.

Mr. SMITH. I desire then to say that if I had been here I would have voted in the affirmative.

Mr. LE BLOND. I desire to say that I was unavoidably absent, from illness, from the House on Saturday. I ask the consent of the House to record my vote upon the various amendments to the bill in regard to soldiers.

There was no objection.

Mr. ROLLINS, of Missouri. I ask the consent of the House to record my vote upon the internal revenue bill.

The SPEAKER. The gentleman from Ohio [Mr. SPALDING] objects.

Mr. SMITH. I hope the gentleman from Ohio will withdraw his objection.

Mr. SPALDING. If I were to withdraw my objection for our friends I certainly could not object for gentlemen on the other side. I will withdraw my objection altogether.

There being no objection, several members recorded their votes upon the passage of the internal revenue bill. The vote as changed stands as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Baily, Augustus C. Baldwin, John D. Baldwin, Baxter, Beaman, Blaine, Blow, Boutwell, Boyd, Brandegee, Broomall, William G. Brown, Freeman Clarke, Cobb, Cole, Cravens, Creswell, Henry Winter Davis, Dawes, Deming, Dixon, Donnelly, Driggs, Eckley, Eliot, English, Farnsworth, Fenton, Ganson, Garfield, Grider, Grinnell, Griswold, Hall, Harding, Higby, Holman, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Hulburd, Hutchins, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Kernan, King, Loan, Longyear, Marvin, McAllister, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Nelson, Norton, Odell, Charles O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, Radford, Samuel J. Randall, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, James S. Rollins, Scheneck, Scofield, Shannon, Sloan, Smith, Spalding, John B. Steele, William G. Steele, Thayer, Thomas, Upson, Elihu B. Washburne, William B. Washburn, Webster, Whaley, Wheeler, Williams, Wilder, Wilson, Windom, Winfield, and Yeaman—107.

NAYS—Messrs. James C. Allen, William J. Allen, Ancona, Brooks, Chanler, Cox, Dawson, Denison, Eden, Eldridge, Finck, Harrington, Benjamin G. Harris, Herrick, Philip Johnson, William Johnson, Knapp, Law, Le Blond, Long, Marcy, McDowell, McKinney, James R. Morris, Morrison, Noble, John O'Neill, Pendleton, Perry, Robinson, Ross, Stiles, Strouse, Stuart, Ward, Chilton A. White, Joseph W. White, and Fernando Wood—38.

Mr. WILSON, by unanimous consent, introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Navy be directed to furnish this House with all the information in his possession concerning the construction of the rebel ram which participated in the recent rebel attack on the United States forces and vessels at and near Plymouth; also, to inform the House why the construction of said ram was not prevented; whether any steps were taken to prevent the same, or to guard against the action of said ram; also, what action was taken in relation to the subject of this inquiry, and why the same was not effective.

HEIRS OF JOHN E. BOULIGNY.

Mr. THAYER, by unanimous consent, from the Committee on Private Land Claims, reported a bill for the relief of the heirs of John E. Bouligny; which was read a first and second time, recommitted to the Committee on Private Land Claims, and ordered to be printed.

LEAVE TO RECORD VOTE.

Mr. L. MYERS. I ask unanimous consent to record my votes upon the various amendments to the bill equalizing the pay of soldiers, which was considered by the House on Saturday.

No objection being made, leave was granted.

Mr. L. MYERS subsequently recorded his vote in the affirmative upon every amendment the object of which was to equalize the pay of United States soldiers.

ADMEASUREMENT OF TONNAGE.

On motion of Mr. ELIOT, the bill (H. R. No. 119) to regulate the admeasurement of the ton-

nage of ships and vessels of the United States, with the amendments of the Senate thereto, was taken from the Speaker's table for consideration.

First amendment:

On page 1, line three, strike out "six" and insert "five;" so that the words shall read "eighteen hundred and sixty-five."

The amendment was agreed to.

Second amendment:

At the end of line eight, on the same page, add the following:

Provided, That any ship or vessel built within the United States after the passage of this act may be measured and registered in the manner herein provided.

The amendment was agreed to.

Mr. ELIOT moved to reconsider the votes by which the amendments were agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

The SPEAKER, by unanimous consent, laid before the House a message from the President of the United States, in answer to a resolution of the House of Saturday last, calling upon him for copies of certain orders, messages, telegrams, &c., referred to by him in his message relating to the appointment of FRANCIS P. BLAIR, Jr., as major general.

Mr. DAWES. I move that the message be referred to the Committee of Elections, and be printed.

The motion was agreed to.

Mr. DAWES moved to reconsider the vote last taken; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ENROLLED BILL.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act for the relief of settlers upon certain lands in California; when the Speaker signed the same.

DAMAGES BY INDIANS IN MINNESOTA.

Mr. WINDOM, from the Committee on Indian Affairs, reported back with an amendment a bill (H. R. No. 377) making appropriations for the payment of the awards made by the commissioners appointed under and by virtue of an act of Congress entitled "An act for the relief of persons for damages sustained by reason of the depredations and injuries by certain bands of Sioux Indians," approved February 16, 1863.

The bill, which was read, appropriates the sum of $928,411, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the payment of the several amounts awarded by the commission appointed under and by virtue of an act for the relief of persons for damages sustained by reason of the depredations and injuries by certain bands of Sioux Indians, approved February 16, 1863, to the several persons and firms respectively to whom such amounts were awarded by the commissioners, excepting certain persons and firms named in the bill.

It also appropriates the further sum of $241,963, or so much thereof as may be necessary, for the payment of so much of the awards made by the commissioners to the persons and firms specifically named in the first section of the bill, as the Secretary of the Interior shall upon examination find to be due to them respectively, under the act approved February 16, 1863.

Mr. WINDOM. I ask unanimous consent that the bill may be considered in the House the same as it would be considered in the Committee of the Whole on the state of the Union.

Mr. HOLMAN. The amount appropriated is very considerable, and it seems to me the bill should be considered more deliberately than it can be in the House.

Mr. WINDOM. I propose that it receive the same consideration in the House as it would in committee.

Mr. HOLMAN. Of course then it will be subject to the same rules as to amendments, &c.

Mr. WINDOM. Yes, sir.

No objection being made, the House proceeded to consider the bill under the same rules as if in committee.

Mr. WINDOM. The committee have reported an amendment in the nature of a substitute, and before it is read I will say that it is substantially the bill as printed. As there were some fifteen or twenty mistakes made in printing the names of parties contained in the bill, the committee thought it the easiest way to correct the mistakes by offering a substitute.

The substitute was read.

Mr. WINDOM. I ask that a letter from the Secretary of the Interior on this subject may be read.

The letter was read, and is as follows:

DEPARTMENT OF THE INTERIOR,
WASHINGTON, D. C., *April* 15, 1864.

SIR: After a perusal of House of Representatives bill No. 377, making appropriations for the payment of the awards made by the Sioux commissioners, I have to express my satisfaction with its provisions, and hope, in view of the extreme want of a large majority of the claimants, your committee will meet with no difficulty in pressing the bill to a speedy passage through the House.

Owing to the pressure of business incidental to the presence of Congress, I regret to say that I have found it impossible to give that close personal attention to the claims of the merchants and traders which justice to the claimants requires, and have, therefore, in preference to hasty conclusions, which may be damaging to these gentlemen, determined to retain them until such an examination can be had as will prove to my own mind that the proper basis has been gained, and the Department thereby enabled to adjust the claims satisfactorily, as I trust, to all concerned.

Very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

Hon. WILLIAM WINDOM, *Chairman Committee on Indian Affairs, House of Representatives.*

The substitute was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WINDOM moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

INDIAN REFUGEES, ETC.

Mr. WINDOM also, from the Committee on Indian Affairs, reported back a bill (S. No. 198) to aid the Indian refugees to return to their homes in the Indian department.

The bill, which was read, appropriates for the removal and temporary relief of Indian refugees and destitute Indians in the southern superintendency, $52,000; for temporary subsistence in the Indian country to the close of the present fiscal year, $153,000; and for seeds, plows, and agricultural implements to enable them to raise a crop the present season, $18,000.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WINDOM moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

CLAIMS OF KANSAS INDIANS.

Mr. WILDER also, from the Committee on Indian Affairs, reported back, with a recommendation that it do pass, bill of the House No. 425, for the relief of the Wea, Peoria, Kaskaskia, and Piankeshaw Indians of Kansas.

The preamble recites that the sum of $89,865 72, being proceeds of the lands of said Indians sold at Paola, Kansas, in June and July, 1857, under the treaty of May 30, 1854, was vested in stocks of the following States: Florida, $37,000; Louisiana, $15,000; North Carolina, $43,000; and South Carolina, $3,000; and that the interest in arrear and up to July 1, 1864, on said stocks amounts to $19,455, but calculated at five per cent. on said sum invested amounts to but $14,010 35.

The first section of the bill provides that the sum of $89,865 72 shall be placed to the credit of the Wea, Peoria, Kaskaskia, and Piankeshaw Indians, on the proper books of the Treasury of the United States, and bear interest from the 1st of July, 1864, at the rate of five per cent. per annum till paid, as hereinafter provided.

The second section directs that the aforesaid sum shall, on the requisition of the Secretary of the Interior, be paid at such times and in such installments as may be found necessary, on a consultation with the Indians, by the President of the United States, from time to time; and in each such payment shall be included the amount of interest then accrued at the rate aforesaid.

The third section provides that the sum of $14,010 35, the interest up to the 1st of July, 1864, at five per cent., on the said sum of $89,865 72, shall be paid by the Treasurer of the United States the 1st of July, 1864, on the requisition of the Secretary of the Interior, and that no further appropriation shall be required to carry out the provisions of this act.

The fourth section provides that the bill shall be in force from its passage.

The bill, which by unanimous consent was considered in the House, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. SPALDING. I would like to know what has become of these funds.

Mr. WILDER. I have a letter here from the Commissioner of Indian Affairs, and I ask that it be read.

The Clerk read, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS, *March* 28, 1864.

SIR: In reply to your letter of the 25th instant, requesting me to inform you if I have any knowledge of a consultation having been held by the President with the confederated tribe of Kaskaskia, Peoria, Wea, and Piankeshaw Indians, after the sale of their trust lands at Paola, Kansas, in the year 1857, in reference to vesting the proceeds of said sales; also, wishing to learn whether the amount thereof that said tribe needed or desired was paid to them, I have to state that by reference to the records of this office, I can find no evidence of such consultation having been held, but do ascertain that on the 3d of August, 1857, Agent M. McCaslin addressed a letter to the Superintendent at St. Louis, who forwarded the same to this office, calling the attention of the Commissioner to the treaty of 1854, and stating that the sales of their trust lands had taken place, and that he was requested by a council of said tribe to say that a small delegation of the tribe would be held in readiness to go to St. Louis, Washington, or elsewhere, as might be directed by the Commissioner, for the purpose of settling points contemplated by the treaty of 1854. It not being deemed expedient to incur the expense of a trip to Washington by said delegation, a report was made by the acting Commissioner to the Secretary of the Interior, stating all the facts in the case, and recommending that $275,000 of the proceeds of said sale be invested in bonds, that $10,000 be paid to the agent for disbursement to the tribe *per capita*, and the balance be held to pay the expenses attending the survey and sale of said lands. The Secretary of the Interior referred said report to the President for his approval, which was approved by him and returned to the Secretary, a copy of which was then forwarded to this office, after which the investment was made, and the $10,000 forwarded to the agent as recommended in the report.

Very respectfully, your obedient servant,

W. P. DOLE, *Commissioner.*

Hon. A. C. WILDER, *House of Representatives.*

Mr. SPALDING. I wish to know what has become of these bonds.

Mr. WILDER. The funds were invested in bonds of South Carolina, Florida, and other southern States, and no interest has been paid on them.

Mr. SPALDING. What does this bill propose?

Mr. WILDER. Merely to pay the interest on the funds thus invested by the Government.

The bill was passed.

Mr. MORRILL. I move to reconsider the vote by which the bill was passed. This question, in my judgment, ought certainly to be further investigated. It is one of considerable importance. The bill establishes a new principle. It proposes that the Government shall assume the debt of Florida. I would rather that the vote should be reconsidered, and the bill referred to the Committee on the Judiciary.

Mr. KING. I wish to make some explanation in reference to this matter, but perhaps I had better wait until the question is taken on reconsideration.

Mr. MORRILL. I think this is a question of sufficient importance to be thoroughly investigated.

Mr. KING. I will say to the gentleman from Vermont that if the matter of the sale of the lands of these Indians which yielded $367,000 in gold were thoroughly investigated it would be shown that there never has been such bad treatment in all the bad management of the Indian department as has been shown toward these Indians.

In the first place, by the seventh article of the treaty, the proceeds of these lands, after deducting the expenses, were to be invested by the Government. When these Indians, who live in Kansas on the border of Missouri, were persuaded to sell their lands, they were induced to take what are called "head rights," and in consideration that they were induced to do that and to put themselves in the way of learning the arts of agriculture and farming, such part of the money derived from the sale of their lands as they might designate was to be applied to setting them up in that

way, and the balance, upon consultation with the President of the United States, was to be invested, in the language of the treaty, by the United States in "safe and profitable stocks." Instead, however, of consulting the Indians or allowing them to consult the President and to make their wishes known, a part of the money was invested in these stocks.

A part of the bonds purchased for these Indians were among those abstracted from the Interior Department some year or two ago. By an act passed in 1862, I believe, Congress assumed the amount of those abstracted bonds and made them good to the Indians at five per cent. Now, if they had had the benefit of the treaty of 1854, and had been allowed to designate how the money should be disposed of, and had taken it all for themselves, as they could have done if they had chosen to, it would have been worth ten per cent. to them. But Congress assumed to allow them five per cent., and there is no trouble or controversy about that. I only mention it to show one of the circumstances of the case.

The Government invested a large part of their funds, not in "safe and profitable stock," but in stocks of Florida, South Carolina, North Carolina, and Louisiana. In utter violation of the seventh article of the treaty, the money was invested in these stocks. The Indians have thus been deprived of their means of subsistence for a number of years, and they ask that Congress shall assume the amount to the extent of five per cent. and take these stocks. No gentleman will contend that they were "safe and profitable stocks." The Indians never gave their assent to the investment. The investment was made in violation of the treaty, because the Indians ought to have been consulted. They notified the President that they were ready to come on here and consult with him as to the disposition of the money; but instead of inviting their delegation here, the money was invested in these stocks without consultation with them at all.

The question is, will the Congress of the United States refuse to indemnify these Indians under the circumstances under which their money has been disposed of? Their lands were sold for $365,000 in gold. Forty thousand dollars of it was kept five or six or seven years without investment. On that not one cent of interest has been paid to these Indians. According to the treaty, such sum was to be retained as would pay the expenses of the sale. Here is an account showing that the officer who conducted that sale, which lasted only three weeks, had $17,000 allowed to him. I suppose it came out of the Indian money. The register and receiver of the land office received each $2,500. Four thousand dollars was charged for clerk hire—the whole amount running up to seventeen or eighteen thousand dollars. The Indians have a right to come before Congress on this subject.

But the simple proposition in this bill is that Congress shall assume the amount of the bonds invested in Florida, North Carolina, South Carolina, and Louisiana stock, amounting to $89,000. The Indians only ask that this amount shall be invested for them in bonds of the United States at five per cent. The Government invested the money of these Indians without their consent and against their protest.

And, Mr. Speaker, there is a precedent for this act. I find one, at least, in which where States have been in default, the Government has assumed the interest on the bonds in which it had invested. When Indiana was in default at one time for two or three years, the interest on its bonds invested in behalf of the Indians was assumed and paid by the Government. It is a matter of simple equity and justice toward these Indians. The Government of the United States stands in the nature of a guardian or curator to these Indians; but they have not been treated as wards ought to be treated by their guardians or curators, but rather as step-children, and are very badly treated at that. The seventh article of the treaty shows precisely what I have stated in regard to the position in which the Indians stood toward the Government as regards investment of their money.

Mr. MORRILL resumed the floor.

Mr. HOLMAN. I wish to ask a question of the gentleman from Missouri.

Mr. MORRILL. I yield for that purpose.

Mr. HOLMAN. This being a new question before the House, I wish to inquire of the gentleman from Missouri whether there is any charge of bad faith against the Government in the management of this fund, and whether, if the Government made an investment of this fund with such reasonable care as a trustee might be required to exercise, the Government should be held responsible for the losses that have accrued?

Mr. WILDER. I will say to the gentleman from Indiana that the letter from the Commissioner shows the fact that the Indians were not consulted as to the buying of these bonds, although it was expressly stipulated that they should be consulted.

Mr. HOLMAN. The main point is this: the gentleman from Missouri puts the case on the ground of the ordinary liability of a trustee. That liability does not exist where the trustee makes a *bona fide* investment which proves to be unfortunate. I ask whether in this case the Government was required to consult the Indians?

Mr. KING. It was.

Mr. HOLMAN. And if not so required, was the investment made in good faith, or not?

Mr. MORRILL. Mr. Speaker, this appropriation may be all right, but my experience in this House leads me to look at all these Indian claims with more or less suspicion. This claim comes up here in a form which, if we sanction it by the passage of a law recognizing the fact that the United States is to guaranty all the bonds of the southern States in which it may have invested, will involve large sums of money.

Then the question of fact in relation to our obligations, that we ought to have consulted the Indians in relation to the investment of their money, is a matter that should be thoroughly investigated. I trust that a measure of this importance will not be allowed to pass by merely a dozen votes in the House, for I certainly think there were not more than a dozen members who were paying the slightest attention to the matter. I trust the bill will be referred to the Committee on the Judiciary, and will be examined by them before it shall be allowed to become a law. I demand the previous question on the motion to reconsider.

The previous question was seconded, and the main question ordered to be put.

The SPEAKER stated the question to be upon the motion to reconsider.

The House divided; and there were—ayes 54, noes 50.

Mr. VOORHEES demanded the yeas and nays.

The yeas and nays were ordered.

Mr. VOORHEES. I desire to say a word upon this motion.

The SPEAKER. Debate is not in order.

Mr. VOORHEES. I desire, then, to ask the Chair a question. I inquire whether this bill was not reported regularly by the Committee on Indian Affairs, considered in the House, and passed; and whether the proposition of the gentleman from Vermont is not now to recommit this bill, not to the Committee on Indian Affairs, who have had the matter under investigation, but to the Committee on the Judiciary, who have not had it under consideration?

The SPEAKER. It is not; the question is on the motion of the gentleman from Vermont to reconsider the vote by which the bill passed.

Mr. VOORHEES. Does not the motion also include the reference of the bill to the Committee on the Judiciary?

The SPEAKER. It does not. That motion would not be in order.

Mr. MORRILL. I will say, however, that if the motion to reconsider is carried, it is my purpose to move to commit the bill to the Committee on the Judiciary.

Mr. VOORHEES. I hope that will not be done.

Mr. MORRILL. I hope it will be done.

Mr. DENISON. I move to lay the motion to reconsider on the table, and on that motion demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 57, nays 54; as follows:

YEAS—Messrs. William J. Allen, Ancona, Anderson, Baily, Augustus C. Baldwin, Jacob B. Blair, Blow, Boyd, Broomall, Chanler, Denison, Eckley, Eden, Eldridge, Finck, Ganson, Grider, Hall, Harding, Charles M. Harris, Herrick, Hutchins, Philip Johnson, William Johnson, King, Knapp, Law, Le Blond, Loan, Long, Marcy, McBride, McClurg, McDowell, McIndoe, Noble, Perham, Perry, Price, Radford, Samuel J. Randall, Robinson, James S. Rollins, Ross, Scott, Shannon, Sloan, John B. Steele, Stiles, Thayer, Voorhees, Wheeler, Chilton A. White, Joseph W. White, Wilder, Windom, Fernando Wood, and Yeaman—57.

NAYS—Messrs. Alley, Allison, Ames, John D. Baldwin, Baxter, Beaman, Blaine, Boutwell, Brandegee, William G. Brown, Freeman Clark, Cobb, Cole, Creswell, Dawes, Dawson, Dixon, Eliot, Farnsworth, Fenton, Frank, Garfield, Grinnell, Higby, Holman, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Hulburd, Julian, Orlando Kellogg, Kernan, Longyear, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Norton, Charles O'Neill, Orth, Patterson, Pike, Pomeroy, John H. Rice, Schenck, Scofield, Spalding, Thomas, Upson, William B. Washburn, and Wilson—54.

So the motion to reconsider was laid on the table.

REMOVAL OF WISCONSIN INDIANS.

Mr. McINDOE, from the Committee on Indian Affairs, reported a bill providing for the removal of certain stray bands of Indians from the State of Wisconsin; which was read a first and second time.

Mr. McINDOE. I ask that the bill may be put on its passage.

Mr. HOLMAN. I think it is the safest to refer these bills to the Committee of the Whole on the state of the Union. This bill makes an appropriation, and I make that question of order.

Mr. McINDOE. I move to suspend the rules to enable us to consider the bill in the House.

The motion was not agreed to, two thirds not having voted therefor.

The bill was therefore referred to the Committee of the Whole on the state of the Union.

OREGON INDIANS.

Mr. McBRIDE, from the Committee on Indian Affairs, reported a bill to authorize the President of the United States to negotiate with certain Indians of middle Oregon for the relinquishment of certain rights secured to them by treaty; which was read a first and second time.

Mr. HOLMAN. I think these bills all requfre some consideration, and I therefore make the question of order that this bill makes an appropriation, and must therefore go to the Committee of the Whole on the state of the Union.

The SPEAKER. The Chair sustains the question of order. The bill is therefore referred to the Committee of the Whole on the state of the Union.

INDIAN RESERVATIONS IN UTAH.

Mr. WINDOM, from the Committee on Indian Affairs, reported back, with a recommendation that they do pass, the Senate amendments to the bill (H. R. No. 220) to vacate and sell the present Indian reservations in Utah Territory, and to settle the Indians of said Territory in the Uinta valley.

The amendments were taken up for consideration.

First amendment:

Strike out the words "and so situated as to best adapt them to the natural facilities of the country for the purposes of irrigation," and insert in lieu thereof the words "under the general direction of the Commissioner of the General Land Office," so as to cause the lands to be surveyed under the general direction of the Commissioner of the General Land Office.

The amendment was agreed to.

Second amendment:

Insert after the word "advertisement," in the clause "shall cause said tracts or lots to be sold upon sealed bids, to be duly invited by public advertisement, to the highest and best bidder," the words "for a period of not less than three months in a newspaper of general circulation, published in the Territory of Utah, and also in a newspaper published in Washington."

The amendment was agreed to.

Third amendment:

Insert after the word "bidder," in the same clause, the following:

And said bids may be filed with the Governor of said Territory, at the seat of government thereof, and with the Secretary of the Interior in Washington; such bids as may be received by said Governor shall, without opening the same, be forwarded to the Secretary of the Interior, when the same, with the bids filed with him, shall be opened in the presence of the Secretary of the Interior, the Commissioner of Public Lands, and the Commissioner of Indian Affairs, and any bidders who may choose to be present at the opening thereof.

The amendment was agreed to.

Fourth amendment:

After the word "shall," in line thirteen, insert the words "Secretary of the Interior."

The amendment was agreed to.

Mr. WINDOM moved to reconsider the several

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votes by which the amendments were agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

THOMAS J. GALBRAITH.

Mr. WINDOM also, from the Committee on Indian Affairs, reported a joint resolution for the relief of Thomas J. Galbraith, of Minnesota.

The resolution was read a first and second time.

The resolution directs the proper accounting officers of the Interior and Treasury Departments to settle and adjust the money and property accounts and claims of Thomas J. Galbraith, agent of the United States for the Sioux Indians of Minnesota, upon principles of equity and justice, under certain regulations and restrictions prescribed in the bill.

Mr. WINDOM. I desire to state briefly the grounds upon which the committee reported the resolution. Mr. Galbraith was agent for the Sioux Indians. At the Indian outbreak in 1862 his office was broken open and his papers destroyed. There are certificates of his own to the amount of $5,507 for which there are no proper vouchers. This resolution authorizes the proper accounting officers to settle with him upon his affidavit, and if they think proper to call in other evidence to substantiate the affidavit to do so.

The resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WINDOM moved to reconsider the vote by which the resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MANAGEMENT OF THE INDIANS.

Mr. WINDOM also, from the Committee on Indian Affairs, reported back a bill for the benefit of and better management of the Indians.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WINDOM moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

LOUIS ROBERTS.

Mr. WINDOM also, from the Committee on Indian Affairs, reported back a bill (S. No. 234) for the relief of Louis Roberts.

The bill, which was read, directs the Secretary of the Treasury to pay to Louis Roberts the sum of $2,740 99, that being the amount of money advanced by said Roberts out of his own means to replace certain Indian indemnity goods accidentally destroyed by fire in November, 1855, while being transported by him from St. Paul to Redwood agency for R. J. Murphey, Indian agent, for the Sioux Indians, in Minnesota.

Mr. ANCONA. As that bill contains an appropriation, I object to its being considered in the House.

The bill was accordingly referred to the Committee of the Whole on the state of the Union.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, their Secretary, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (No. 216) to grant the rights of preemption to certain settlers on the Rancho Bolsa de Tomales, in the State of California; and

An act (No. 223) to regulate the foreign coasting trade on the northern, northeastern, and northwestern frontiers, and for other purposes.

B. F. KENDALL.

Mr. WINDOM, from the Committee on Indian Affairs, reported back a bill (H. R. No. 414) for the relief of the estate of B. F. Kendall.

The bill, which was read, authorizes the proper accounting officer of the Treasury to allow, in the settlement of the accounts of B. F. Kendall, late superintendent of Indian affairs in Washington Territory, the sum of $2,108 30, the same being the amount shown to have been disbursed by him in his lifetime, and for which no vouchers were to be found.

Mr. HOLMAN. I desire to raise a point of order upon this bill. I understand that it was introduced into the House and referred to the Committee on Indian Affairs. I make the point of order under the act organizing the Court of Claims. The second section of that act provides that all petitions and bills praying or providing for the satisfaction of private claims against the Government founded upon any law of Congress, or upon any regulation of any Executive Department, or upon any contract, express or implied, with the Government of the United States, shall, unless otherwise ordered by the resolution of the House to which the same are presented or introduced, be transferred by the Secretary of the Senate or the Clerk of the House, with all the accompanying papers, to the Court of Claims.

Now, it is very true that if this bill did not come within either of those definitions it might have gone to the Committee on Indian Affairs, but if it comes within either of the classes embraced in the law, it must go to the Court of Claims.

I make this point of order because I find that the Senate are making the same point of order on the bills which go from this House to that body.

The SPEAKER. The Chair overrules the point of order on the ground that the House has ordered by resolution that this bill should be sent to the Committee on Indian Affairs. They have, therefore, complied with the law.

Mr. HOLMAN. Where a bill is introduced into the House and ordered, without any special resolution, to be referred to a particular committee, does the Chair regard that as a resolution of the House, within the meaning of the law?

The SPEAKER. It is an order of the House, which is a resolution of the House.

Mr. HOLMAN. I believe the bill does not make an appropriation.

The SPEAKER. It is not in technical language an appropriation.

Mr. ALLEY. I would like to ask the gentleman from Minnesota [Mr. WINDOM] if this Mr. Kendall is the Indian agent who was murdered last year?

Mr. WINDOM. He is the Indian superintendent who was murdered.

Mr. ALLEY. I will say, then, that I understood incidentally his accounts were behind. I would like to know how that is.

Mr. WINDOM. I would like to know what the gentleman means by "incidentally."

Mr. ALLEY. I heard soon after the murder that his accounts were in a bad state.

Mr. WINDOM. I desire to have a letter from the Acting Commissioner of Indian Affairs read, which will explain this matter.

The Clerk read, as follows:

DEPARTMENT INTERIOR,
OFFICE INDIAN AFFAIRS, *April* 27, 1864.

SIR: I have to acknowledge the receipt of your letter of the 21st instant, inclosing copy of House bill No 414, for the relief of the estate of B. F. Kendall, late superintendent of Indian affairs for Washington Territory, and asking my opinion as to whether the account should be allowed, and other information touching said account from papers and documents on file in this office.

In reply, I have to state that the final accounts of late Superintendent Kendall were presented for settlement by Edward Lander, administrator of his estate, and upon examination they were found correct and in due form, excepting the sum of $2,108 30, under the head of Nez Perces agency, appropriation for beneficial objects, &c., which Superintendent Kendall brought on to his account current as disbursed under that head, referring to a receipt marked "A." This receipt was not with the accounts when presented to this office for settlement, and from the statement of Mr. Lander, it was not found among any of the papers of the deceased when he took charge of his affairs. The entries upon the accounts appear to have been made by Mr. Kendall himself before his death, and it is fair to suppose that he would not have brought this amount upon his account as disbursed, the same time referring to a certain voucher or receipt, without first having the proper receipt for the money so disbursed.

I inclose herewith a copy of the statement of Agent Hutchins made to this office relative to a conversation that took place between himself and Superintendent Kendall when Mr. Kendall turned over to him the balance of the money in his hands belonging to the Nez Perces agency, which seems to corroborate the statement of the account.

There are no papers on file in this office that give further information on the subject than what I have before stated. But in view of the circumstantial evidence in the case, and the fact that all of Mr. Kendall's transactions with the Department heretofore having been found correct, I am of the opinion that no further testimony can be adduced in the premises, and have no reason to presume that the amount, $2,108 30, was not faithfully disbursed.

Very respectfully, your obedient servant,

CHARLES E. MIX,
Acting Commissioner.

J. T. WILLIAMS, Esq.,
Clerk of Indian Committee, House of Representatives.

Mr. WINDOM. I desire to say, in further answer to the gentleman from Massachusetts, that it appears from this letter that all of Mr. Kendall's accounts were settled with the exception of this item. It also appears from the statement of Judge Lander, on file in the case, that among his accounts there was found after his death a paper in his own handwriting stating that this amount had been paid as per voucher "A." That voucher has never been found. There is another item of proof tending to show that this money was actually paid, to wit, that in a conversation with Hutchins, he declared to Hutchins, in paying him an amount of money, that that was all that was due to this Nez Perces agency, showing that previously to that there must have been some other money paid. The fact is, that Mr. Kendall was killed in his office, and never had an opportunity of speaking to any one in reference to his accounts.

The Committee on Indian Affairs were unanimous in reporting this bill, believing that the claim is a just one and ought to be paid.

Mr. ALLEY. I will state that I made the inquiry because I remember distinctly that shortly after the time Mr. Kendall was murdered, I was at the Department, and they were there relating the circumstances; the statement was made that his accounts were in a bad state, and that he was probably a defaulter to a small amount. I am perfectly satisfied, however, with the explanation of the gentleman from Minnesota, and shall vote for the bill.

Mr. WINDOM. I move the previous question on the bill.

The previous question was seconded, and the main question ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WINDOM moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

A. M. CLENNEY.

Mr. WINDOM also, from the same committee, reported back adversely a petition for the relief of A. M. Clenney, of New Mexico; which was laid on the table.

NORTHERN INDIAN SUPERINTENDENCY.

Mr. WINDOM also, from the same committee, reported back adversely a bill (H. R. No. 399) to abolish the northern Indian superintendency, and asked that it be laid on the table.

Mr. HUBBARD, of Iowa. Mr. Speaker, that appears to be a bill which I introduced; and I apprehend that the Committee on Indian Affairs has come to a wrong conclusion in respect to it.

The SPEAKER. The question is not debatable.

Mr. HUBBARD, of Iowa. I would like to have the bill referred to the Committee of the Whole on the state of the Union, in order that I may bring it up and discuss it at some suitable time.

Mr. WINDOM. I have no objection.

The bill was thereupon referred to the Committee of the Whole on the state of the Union.

Mr. WINDOM. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

So the rules were suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. BLAINE in the chair,) the business reported from the Committee on Indian Affairs having precedence.

INDIANS IN WISCONSIN.

The first business before the committee was a bill providing for the removal of certain stray bands of Indians from the State of Wisconsin.

The bill was read. It authorizes the President of the United States to appoint two commissioners whose duty it shall be to collect together certain stray bands of Winnebago and Pottawatomie Indians and transport them to their tribal homes in Kansas and Dakota. The second section provides that the commissioners shall receive such reasonable compensation, in proportion to the time employed, as the Secretary of the Interior may deem just. The third section appropriates $30,000, or so much thereof as may be necessary to carry out the provisions of the first section, to be disbursed under the direction of the Secretary of the Interior.

The report was read.

Mr. McINDOE. I ask for the reading of a letter from the Department of the Interior:

The letter was read, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE INDIAN AFFAIRS, *February* 10, 1864.

SIR: I herewith return a communication addressed to you on the 9th instant by Hon. W. D. McINDOE and by you referred to this office for report, in which that gentleman states that he is directed by the House Committee on Indian Affairs to inquire as to the necessity for the removal of certain Pottawatomie and Winnebago Indians from the State of Wisconsin to their respective tribes in Kansas and Dakota.

From the best data in my possession it appears that there are from seven to nine hundred of these Indians. They are disconnected from their tribes, have no agent residing with them, do not receive annuities, have no settled habitation, and are not under the control of this Department.

They appear to be Indians who have refused to go with their respective tribes at the time of their removal or have since abandoned them, and are now leading a wild vagabond life, gaining a precarious subsistence by the chase, petty pilfering, or begging. They are doubtless a source of great annoyance to the settlements through which they roam, and during last summer caused great alarm by the threatening attitude they assumed toward the whites and by the commission of several murders attended with circumstances of peculiar atrocity. For full and specific information upon these points I respectfully refer to the recent annual report from this office, pages 356 to 374, inclusive.

I have no doubt that the situation of the Indians would be much improved if they were removed to and compelled to remain with their respective tribes; and it is quite certain that the prosperity of the settlements through which they now wander is retarded by their presence, and that the Indians are exceedingly troublesome and vexatious to the whites composing those settlements.

In regard to the probable expense of removing these Indians I can only say, that in case they can be collected without an unusual amount of trouble the expense will, in my opinion, not exceed thirty-five dollars per head, which (estimating their numbers at nine hundred) will amount to $31,500, for which an appropriation must be made, there being now no funds applicable to that object. It should, however, be remarked that in consequence of the indisposition of the Indians to remove to their respective tribes there is reason to apprehend that a military force will be required to collect them and enforce such removal.

Very respectfully, your obedient servant,
W. P. DOLE, *Commissioner.*

Hon. J. P. USHER, *Secretary of the Interior.*

Mr. HOLMAN. I move to amend the third section by striking out $30,000 and inserting $20,000. I submit the amendment for the purpose of saying a word upon this subject. This bill is in very wonderful contrast with the humanitarian theories which now prevail in this country. There is a general desire to ameliorate and alleviate all classes of people everywhere; and it is the theory of the philanthropists all over the country that if you would improve the condition of the Indian you must bring him under the influence of civilization, and subject him to the restraints and moral forces which pervade civilized society. That theory has been applied to another race, a subject race in this country, and there seems to be no good reason why it should not also be applied to the Indian tribes. While so much humanity is being displayed in other fields of benevolence, it is a remarkable fact that you propose by this bill to appropriate by military force these scattered bands of Indians to a region of country where they can be under no humanizing influence. I do not know but that it might be better for the single State of Wisconsin that the Indians shall be removed, but at the same time it is tremendously in conflict with the theories of humanity which seem to pervade the country. If we were to apply the same principle to the other race to which I have alluded, and which was brought here, to be sure by force, while the Indians are here by nature—if we were to propose to remove the Africans, there would be a universal expression of indignation. The proposition would shock public sensibility everywhere. It would not be tolerated for a moment, and yet you cannot say that in the one case you would be acting humanely and in the other acting inhumanely.

If I lived in the State of Wisconsin I think I should be in favor of the removal of these Indians. But I do submit that gentlemen who favor these schemes of philanthropy and humanity, and who profess to carry them out to their utmost limit or extent, show a rather singular mode of exhibiting that sentiment in reference to these unfortunate sons of the forest who happen to be living within the reach of civilization.

The proposition is not only to appropriate money out of the public Treasury to remove these Indians, but to remove them by military force, to drive them out. And it is put upon the ground that the General Government having bought their land and sold it to white settlers, now owes it to white settlers to remove these incumbrances from their land because they are troublesome. Now I think it would be better to try to humanize and civilize these Indians, to make them proper inhabitants of a civilized community, rather than by the sword and the bayonet to drive them out, and remove them beyond all the influences of civilization, and consign them to the life of the barbarian and savage.

Mr. ELDRIDGE. I can hardly appreciate the argument which my friend from Indiana uses, coming from the source it does. If it had come from any of my friends on the other side of the House I think I should have fully appreciated it. He seems to be "chuck-full" of humanity to-day, and I believe that it is a new thing with him.

I am further inclined to think that the gentleman only makes use of the argument for the purpose of suggesting to our friends on the other side of the House in support of his position. But, Mr. Chairman, there is a pressing necessity for the removal of these Indians from the State of Wisconsin. They are constantly committing depredations upon the inhabitants to whom the Government has sold lands, and which they perhaps purchased from these Indians in the first instance. These depredations are not confined merely to thieving and robbing, but they actually commit murder and every crime known to the law. If the parents are gone the children are maltreated and perhaps murdered. If the husband is gone the wife is the object of their violence. There are many instances I could relate, upon the border settlements of Wisconsin, where all these crimes have been committed upon the inhabitants. It is not proposed to drive them out by military force; it is proposed that we should appoint commissioners who will go there and induce them to go and join their own tribes; that they shall gather up the scattered individuals of these tribes and take them to their homes, where the great body of the tribes are located.

I do not know as to the amount that will be required for the removal of these Indians. My colleague, [Mr. McINDOE,] who has had charge of the bill, is satisfied that the amount named is the proper one. I have not considered that question at all. But as to the necessity for their removal, both as regards their interests and the interests of the inhabitants living upon the borders, I say to the House that there is a pressing necessity for it. It ought to be done.

The gentleman admits the necessity of this bill when he says that if he lived in Winconsin he would want these Indians removed. Yes, sir, I apprehend that if he lived there, and his wife and children were in the border settlements of Wisconsin, he would want them removed. Well, sir, I cannot see how he should oppose it with that admission, although he does not reside in Wisconsin. It seems to me that a Representative upon this floor ought to go somewhat beyond the State bounds of Indiana, that he ought to be willing, acknowledging the necessity for the removal of these Indians, to make the necessary provision for it, even if they are in the State of Wisconsin.

Mr. HOLMAN. I will say to the gentleman from Wisconsin that I made the few remarks I did upon this bill for the purpose of showing gentlemen upon the other side of the House where their own policy would lead them, and for the purpose of illustrating the difference in the policy of gentlemen upon the other side of the House in reference to two classes of population, neither of which, at least in my State, are considered desirable.

Mr. ELDRIDGE. I thought I comprehended the gentleman's position in time, and I did not expect it was necessary for me to do anything more than to draw the tap to have another just such speech as he made upon the subject of philanthropy.

Mr. HOLMAN. I withdraw my amendment.

Mr. ELIOT. I move to amend by inserting the following proviso:

Provided, That the compensation to be paid to the commissioner shall not exceed the sum usually paid for similar services.

The amendment was agreed to.

The bill was then laid aside, to be reported to the House with a recommendation that it do pass.

INDIANS IN OREGON.

A bill (H. R. No. 442) to authorize the President of the United States to negotiate with certain Indians in middle Oregon, for the relinquishment of certain rights secured to them by treaty, was next taken up.

The bill, which was read, authorizes the President of the United States to negotiate with the tribes known as the confederated tribes of middle Oregon, for the relinquishment of certain rights guarantied to them by the third article of the treaty made with them in 1859, and appropriates the sum of $5,000 for that purpose.

Mr. McBRIDE. I ask to have an extract read from the report of the Commissioner of Indian Affairs.

The Clerk read, as follows:

"At the Warm Springs reservation are located the confederated tribes of middle Oregon, numbering from one thousand to twelve hundred souls. Their reservation is completely isolated, and on that account is valuable for the purpose for which it is intended. The Indians are reported to have made greater progress during the past year than in any preceding period of five years. Many of them have built for themselves houses, and have opened and are cultivating small farms, from which they derive a comfortable subsistence. But for an unfortunate provision in their treaty, by which the privilege of leaving their reservation for the purpose of fishing and grazing stock is secured to them, it is not doubted that the Indians would rapidly improve. Under this provision they claim and exercise the right of leaving the reserve and visiting the fisheries upon the Columbia and other rivers, and are thus enabled to procure large quantities of whisky, which, besides its pernicious effects upon them, causes them to be exceedingly annoying to the whites. The superintendent is of the opinion that for $3,000, in presents of agricultural implements and other useful articles, they would be willing to abrogate this provision of their treaty. If this be so, I know of no like expenditure that would be productive of more beneficial results, and I respectfully request that an appropriation of that amount be solicited for the purpose indicated."

Mr. McBRIDE. I ask that there may also be read an extract from the report of the superintendent of Indian affairs in Oregon.

The Clerk read, as follows:

"On the contrary, there is an ample amount of good land to raise food for all the Indians located upon it, a sufficient supply of timber and water, and its location, far away from any of the great routes of travel and the new gold fields, will permit the Indians, if confined to the reservation, to be kept away from the contaminating influences of white associations. But, unfortunately, the treaty of April 18, 1859, with the confederated tribes and bands of middle Oregon, provides in article one that the Indians shall have the right to fish in common with the citizens of the United States at the fisheries on the lower Des Chutes and Columbia rivers, and to pasture their animals, hunt, gather berries and roots, on unclaimed lands outside of the reservation. The effect of this unfortunate provision of the treaty is to permit the Indians to leave the reservation whenever they choose, and they really reside at the reservation but a small portion of the year. Under pretense of fishing and herding their stock, they infest the towns along the Columbia river, and defy all the efforts of the agent to prevent their procuring whisky. The sales of fish and ponies, and the prostitution of their women afford them plenty of money, and render them less desirous than they otherwise would be to engage in agriculture.

"From information received of Agent Logan, and from conversations with the Indians during my visit in June last, I am confident that for a moderate sum invested in clothing, agricultural implements, teams, &c., they would be willing to give up the right, and consent to be confined to the reservation. This, if accomplished, would relieve the white settlements of a very great nuisance, and very much better the condition of the Indians. I recommend an appropriation of $3,000, to be paid in two annual installments, for that purpose."

The bill was then laid aside to be reported to the House with a recommendation that it do pass.

TITLE TO INDIAN LANDS IN UTAH.

A bill (H. R. No. 222) to extinguish the Indian title to lands in the Territory of Utah suitable for agricultural and mineral purposes, with the amendment thereto in the nature of a substitute, was next taken up.

The substitute, which was read, authorizes the President of the United States, by and with the advice and consent of the Senate, to enter into treaties with the various tribes of Indians of Utah Territory, upon such terms as may be deemed just to the Indians and beneficial to the Government of the United States, provided such treaties shall provide for the absolute surrender to the United States, by the Indians, of their possessory right to all agricultural and mineral lands in the Territory except such agricultural lands as by treaties may be set apart for reservations for the Indians; and provided also that all such reservations shall be selected at points as remote as may be practicable from the present settlements in Utah Territory. It further provides that in agreeing with the Indians upon the amounts to be paid to them under the provisions of the treaties to be negotiated in pursuance of the act, care shall be taken to obtain from the Indians, to the greatest possible extent, their consent to receive for such payments agricultural implements, stock, and other useful articles rather than money.

The bill further appropriates the sum of $25,000 to carry out the provisions of the act.

Mr. HOLMAN. I believe there is no provision in the substitute for the appointment of any agents. Is there a general provision of law fixing the salaries of agents who may be appointed?

Mr. WINDOM. There is. This substitute was prepared by the Secretary of the Interior, and it meets with his approbation.

The substitute was agreed to.

The bill was then laid aside to be reported to the House with a recommendation that it do pass.

Mr. WINDOM. I move that the committee rise and report the several bills to the House.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. BLAINE reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and especially certain bills referred to it from the Committee on Indian Affairs; and had directed him to report the same to the House, two with and one without amendments.

WISCONSIN INDIANS.

The House proceeded to the consideration of the bills reported from the Committee of the Whole on the state of the Union, as follows:

A bill (H. R. No. 441) providing for the removal of certain stray bands of Indians from the State of Wisconsin; reported to the House with an amendment.

Mr. WINDOM demanded the previous question.

The previous question was seconded, and the main question ordered to be put.

The first question being on the amendment, it was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WINDOM moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

INDIANS IN OREGON.

A bill (H. R. No. 442) to authorize the President of the United States to negotiate with certain Indians in middle Oregon for the relinquishment of certain rights secured to them by treaty was next taken up, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McBRIDE moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

INDIAN LANDS IN UTAH.

A bill to relinquish the Indian title to lands in the Territory of Utah suitable for agricultural and mineral purposes, reported from the Committee of the Whole, with an amendment in the nature of a substitute, was next taken up.

Mr. HOLMAN. I move to lay the bill upon the table; and upon that I call for tellers.

Tellers were ordered; and Mr. McINDOE and Mr. SCOTT were appointed.

The House divided; and the tellers reported—ayes 18, noes 80.

So the House refused to lay the bill on the table.

The substitute reported from the Committee of the Whole was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WINDOM moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

STAFF OF LIEUTENANT GENERAL.

Mr. WASHBURNE, of Illinois. I ask the unanimous consent of the House to introduce and have passed a joint resolution, to which I think there will be no objection. It is a joint resolution in relation to the pay of staff officers of the Lieutenant General.

The joint resolution was read. It provides that staff officers on the staff of the Lieutenant General shall be entitled to receive the same pay, emoluments, and allowances as staff officers of the same grade on the staffs of corps commanders, the same to take effect on the day of their appointment on the staff of the Lieutenant General.

Mr. WASHBURNE, of Illinois. If the House desires any explanation on the subject, I will send up a letter from the Lieutenant General. [Cries of "Oh, no!" and "All right!"]

The joint resolution was received and read a first and second time.

It was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WASHBURNE, of Illinois, moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

MINNESOTA RAILROAD GRANT.

Mr. DONNELLY. I ask the unanimous consent of the House to take from the Speaker's table Senate bill No. 31, making a grant of lands to the Mississippi and Lake Superior Railroad Company in the State of Minnesota, to aid in the construction of the railroad of said company from St. Paul to Lake Superior. The bill passed the House with certain amendments; and the Senate has made certain amendments to those amendments, which are chiefly of a verbal and unimportant character. I ask that the bill be taken up, and that the House concur in those amendments.

The amendments of the Senate were read, and, no objection being made, the bill was taken up.

Mr. HOLMAN. I would inquire of the Chair what would be the effect of a motion to lay the amendments of the Senate upon the table?

The SPEAKER. It would carry the bill with it.

Mr. HOLMAN. Then I make that motion.

Mr. DONNELLY. Let me say that the principal amendment of the Senate limits the company to the alternate sections, whereas the amendment of the House allowed them to take lands within fifteen miles from any of the sections. The amendment of the Senate is, therefore, against the railroad company and for the benefit of the Government.

Mr. HOLMAN. I have no objection to the amendments of the Senate. But this bill, and the series of bills of which it is one, passed through the House, in the first place without more than the usual consideration, and no test vote as to the policy of appropriating public lands for this purpose has yet been taken. I have no more objection to this bill than I have to all of the series of bills of this character which will be brought before the House for consideration by Senate amendments. I make the motion to lay upon the table for the purpose of calling the attention of the House to the question, so that we may decide upon the record whether we propose to appropriate this vast body of public lands for this purpose at this time, when every acre of the public domain ought, if possible, to be retained as the basis upon which the credit of the country shall rest, or else for the next best purpose, that of providing homesteads for actual settlers. It is for that reason and that only, that I make the motion.

Mr. DONNELLY. I will say, with the gentleman's permission, that it is hardly fair to raise this question at this time. This bill has passed the House. The amendments of the Senate, now before us, are either merely verbal or are against the interests of the railroad company. I trust that if the question of the appropriation of public lands for railroad purposes is to be raised in this House it will not be upon this bill or at this stage. It is not fair, Mr. Speaker, and especially upon a motion which precludes debate, to raise that question. I am occupying the floor only by the sufferance of the gentleman from Indiana.

Mr. HOLMAN. I withdraw the motion to lay on the table unconditionally.

Mr. DONNELLY. I will say, then—although I did not expect to have to discuss this question at this time—that if any bill which has passed this House appropriating lands for railroad purposes has merit, this certainly is that bill. It proposes to connect the great Mississippi valley, around the head waters of which our State lies, with the head of Lake Superior, forming part of the north-eastern boundary of our State. It thus proposes a connection between the two great navigable water systems of our country, the Mississippi river and its tributaries, and the chain of great lakes. The distance between those two water systems is one hundred and forty miles. The greater part of that distance is through a country of comparatively little value, most of it being in the nature of a water-shed, as it is termed, the land being to a great extent poor and swampy.

This road affords to the people of Minnesota an outlet to the great lakes. Before the outbreak of the rebellion the outlet for the grain crop of our State was, to a great extent, by way of the Mississippi valley to the city of St. Louis. The war and the derangements of commerce consequent upon it have interfered with that outlet, and the people of Minnesota now have to reach a commercial market by way of the great lakes. Heretofore their course has been over the railroads running across the State of Wisconsin to Lake Michigan, a distance in all of three or four hundred miles. The people of Minnesota are a frontier people, and are dependent entirely for their prosperity upon the growth of wheat and the other cereals. And I say to this House that the monopoly of the Wisconsin railroads, by means of which alone our people gain an outlet to the great lakes, is worse than the monopoly of which we have heard so much here of the railroads running across the State of New Jersey. Three or four years ago these railroads carried the wheat raised by the farmers of Minnesota at the rate of from eight cents to twelve cents a bushel; the next year the rate of freight was raised to fifteen cents a bushel, and the following year to eighteen and twenty cents a bushel; and now it is proposed, as I am informed, to tax the raisers of wheat thirty cents a bushel. The House can easily see that where wheat is raised in the frontier States at a considerable distance from the great markets, the imposition of such a tax as this is the virtual annihilation of the main support of the people, and the destruction of the industry of the State. They therefore unanimously ask Congress for a grant of land to enable them to construct this road, one hundred and forty miles in length, from the head of navigation of the Mississippi river to the head of Lake Superior. So important do the people of my State esteem this measure to all their interests, that the State has already granted to this railroad company a grant of the swamp lands lying within a certain distance of the road, and the city of St. Paul, the capital of the State, has voted $250,000 as a bonus to the company. Our whole people watch the course of this bill with the greatest anxiety, because, as I have attempted to show, their agricultural prosperity rests upon its passage.

I have nothing to say, Mr. Speaker, as to other land grants made by Congress for similar purposes. I have no doubt they have been all proper and just; but I will say one word in answer to that doctrine which has been very extensively

broached here of late—that we should reserve these lands for the benefit of the creditors of the country. On the route on which this road is proposed to be run, the lands have been in the market for twelve years without being purchased; not an offer has been made to purchase them; and they will remain a quarter of a century longer without being purchased unless they are opened up by this railroad. If you would make the public lands valuable to the nation it must be by their development. If you go to any of the land offices in my State, even in the most favored regions, as, for instance, the country west of St. Cloud, you will find whole tracts of country, entire counties, that have been put up for sale without finding purchasers. Lands in such a condition are not a security, and are of no benefit to the country; but if you do as proposed here, if you encourage capital to build great lines of roads through them, the Government reserving to itself the alternate sections, those alternate sections will be worth more than the whole land before the grant was made; the country will be settled up and become populated, and you can then obtain a ready sale and a remunerative price for your lands, and in addition you will find that you have added to the taxable population of the country new, vast, and prosperous communities.

I shall not trespass further upon the time of the House, except to repeat that I think it unfair and unjust to raise such a question at this stage of the bill. This bill was introduced into the Senate at the commencement of the session; was passed by the Senate; was for two months in the hands of the Committee of the House on Public Lands, was reported back unanimously by the committee, (with the exception of one member [Mr. DAWSON] from Pennsylvania,) and passed this House without division; and I therefore think it most unfair and unjust to raise such a question at this time and in this manner. Let the gentleman from Indiana [Mr. HOLMAN] introduce a prospective resolution, declaring it to be the sense of the House that no more such land grants shall be made; and let him test the sense of the House fairly and fully on that question. Or let him attack, if he chooses, all the other bills of this character, of Wisconsin, Iowa, Michigan, &c., and ask for a reconsideration of the vote by which they all passed; but let him not raise a general and abstract question of public policy on this particular local measure at the stage which it has now reached.

Mr. SLOAN. Will the gentleman from Minnesota give way to me for a moment?

Mr. DONNELLY. Yes, sir.

Mr. SLOAN. The gentleman from Minnesota has referred to the monopoly which Wisconsin at present enjoys of the carrying trade of Minnesota. It is true as he states it, but I can assure him and the House that Wisconsin does not desire to control or monopolize that great carrying trade at the expense of the interests of Minnesota. We fully appreciate the fact that this road, to aid in the construction of which it is proposed to give this grant of land, is of vital consequence to the State of Minnesota, and hence the members on this floor from Wisconsin favor it.

In answer to the gentleman from Indiana [Mr. HOLMAN] I desire simply to say a word. If the gentleman seeks to make these lands lying in the northern portions of the States of Minnesota and Wisconsin of any value whatever to the Government, he must give us railroads for opening them up to settlement, for they will never be sold unless railroads are built. In all these land grants the alternate sections reserved by the Government where the roads are built are worth more to the Government than all the lands would be without the roads. And it is the only means by which these lands will ever be settled. They will remain a waste for twenty, thirty, or forty years, unless these roads are built.

In relation to the other point made by the gentleman from Indiana, that these lands should be reserved for homesteads for actual settlers, I can tell the gentleman that any man who is familiar with that section of country, the northern part of Minnesota and Wisconsin, knows that settlers will not locate on these lands unless they have facilities for carrying their produce to market and bringing back the necessaries of life to the settlements. Any man in that section of country who is located more than twenty miles from the line of a railroad has gone so far that it is utterly impossible for him to cultivate the soil, or engage in agricultural pursuits with any hope of profit to himself. It is a losing business for him; he cannot afford it. The only means by which that country can ever be settled will be by Congress exercising the wise policy of giving these grants of the public domain in alternate sections for the construction of railroads. In that way a population will be brought to settle in that portion of the country. The country itself is desirable; the soil is fertile, susceptible of cultivation, and its settlement will add to our wealth and prosperity. It will add a hardy people to the population of this country.

In my judgment the views which have been expressed upon this floor in hostility to these land grants are based upon a narrow, illiberal policy, and upon an ignorance of the true condition and wants of that great section of our country.

The section of country in Wisconsin, through which the line of road passes for which a grant of land has been made, for a hundred miles contains no settlements whatever, but remains an unbroken wilderness stretching away to the shores of Lake Superior. By giving these alternate sections of lands you will introduce a population and settlement upon these lands, and by that means the Government will be able to sell the lands reserved by it.

I do not desire to occupy the attention of the committee, but it seems to me the arguments are strong and irrefutable in favor of grants of this kind. No gentleman, even though he may live upon the seaboard, who has given any attention to the condition of this country should refuse, in view of the great interests at stake, to give his vote in favor of these grants.

Mr. BLAINE. I desire to make a single remark in reference to the last observation of the gentleman from Wisconsin, from which the inference would be drawn that it is from gentlemen on the seaboard that the opposition to these land grants comes. Let me say to the gentleman that there is no class of Representatives in this Hall who have voted so consistently and generously for grants of lands for railroads in the West as those coming from the seaboard.

Mr. HOLMAN. Maine, I believe, has had a little railroad matter on hand lately.

Mr. GRINNELL. I wish to say to the gentleman from Maine that we do not regard the gentleman from Indiana as living in the West.

Mr. HOLMAN. My State is not, in the proper sense of the term, a western State.

I desire to say a single word in reply to the gentleman from Minnesota. Upon my own part there is no hostility to the granting of public lands having public ends only in view for proper purposes. I submit, however, that the argument that this is the only way by which the lands in the western sections of the country can be populated is not sustained by the history of the population of the Northwest. The great States of Indiana, Ohio, Illinois, and Iowa, to a great extent, and indeed almost the whole western country, have been settled by the great advancing tide of population from the East to the West, without any artificial aids; and a more solid, homogeneous population was never gathered together on the face of the earth, possessing one remarkable attribute—that of almost perfect equality in wealth and knowledge. A country populated at once from various sections, under the influence of artificial agencies, must inevitably be a country in which there will be great differences and extremes among the people—extremes of wealth and poverty. The railroad power is a centralizing power. It is so in the old sections of the Union; and it is found to be a tremendous centralizing power in the western States, furnishing to fortunate adventurers facilities for immense fortunes.

I know there is an anxiety upon the part of gentlemen to have the western country settled at as early a day as possible, but it will only hasten on the bitter fruits of the dense population of the Old World. It is infinitely better and wiser that the lands should be settled slowly, thereby securing a solid population, equal in wealth and equal in condition, securing a continued outlet for our people, than that they should be settled and the lands appropriated at once. We ought not to legislate for a day or a year, but with reference to the permanent and enduring interests of the country. And I say again that the monopoly of this vast amount of public lands, millions upon millions of acres, held by overgrown corporations, has the inevitable tendency to centralize the wealth of the country, aid the tendencies of this centralizing war. Take, for instance, the great Illinois Central Railroad Company, which now holds one quarter of the public lands originally granted to it by the Government. It now proposes to sell those lands at enormously advanced prices, not prices advanced by the influence of the railroad itself, but by the tide of population which has invaded and which would have invaded that State had there been no railroad in the State, robbing the people of homesteads. I would far sooner see the country fill up gradually with a population equal in wealth and condition, than to see it filled up by those artificial agencies, by which inequality of wealth, education, and condition is inevitably created, tending to subvert those republican principles of free government which must ever rest on the comparative and general equality of the people.

Mr. DRIGGS. I desire to say to the House that this bill has already passed both Houses, and that we are only acting now upon amendments proposed by the Senate.

Mr. DONNELLY demanded the previous question upon the Senate amendments.

Mr. DAWSON. I demand the yeas and nays, because I am opposed to the bill, and want to vote against it.

The yeas and nays were not ordered.

The previous question was seconded, and the main question ordered to be put; and under the operation thereof the several amendments of the Senate were agreed to.

Mr. DONNELLY moved to reconsider the vote by which the several amendments were agreed to; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

NAMES OF VESSELS.

On motion of Mr. WASHBURNE, of Illinois, the bill of the House for the prevention and punishment of frauds in reference to the names of vessels, returned from the Senate with an amendment, was taken from the Speaker's table, and the Senate amendment concurred in.

Mr. DAVIS, of Maryland. I move that the House now take a recess until seven o'clock this evening.

The motion was agreed to.

So the House (at four o'clock, p. m.) took a recess until seven o'clock.

EVENING SESSION.

The House resumed its session at seven o'clock, p. m.

REBELLIOUS STATES.

The SPEAKER. The House resumes the consideration of the bill in regard to the rebellious States, upon which the gentleman from Minnesota [Mr. DONNELLY] is entitled to the floor.

Mr. DONNELLY. Mr. Speaker, the task is imposed upon this Congress of prescribing the shapes into which the institutions of the rebellious States shall mold themselves when the mighty agitations of the civil war have subsided and peace is once more restored to society. It is not possible to avoid the responsibility of this task. We must meet it in all its magnitude. The necessities of the time—the time itself—require it of us.

Surely, Mr. Speaker, the human mind never addressed itself to the solution of any problem more grave or more momentous than this. The immediate consequences to ourselves of any course we may see fit to adopt are great enough to give us pause; but when we look down the long vista of the world's future we cannot but perceive that the results of our present action will stretch away through all the coming ages, and act and react upon human society so long as our race continues to inhabit the globe.

The great struggles of European politics—hitherto the chief subjects of history—dwarf and shrink into insignificance beside this mighty problem: the destiny of a hemisphere, and in that destiny the fate of mankind.

The past history of the struggle in which we are now engaged has been comparatively simple.

It was not difficult to foresee that the mass of the people, influenced by all those ties which bind men to their flag and their country, would gather to the defense of the nation against destruction. Even about the condition of war itself there is a certain degree of simplicity. It is but physical force contending against prescribed obstacles, and it goes forward with all the directness and precision of a purely physical power. But when the war is ended, when physical force has played its part, when the sword is sheathed in the scabbard and the face of the soldier is turned homeward, when the country is restored to that condition of things *out of which the war arose*, then, and not till then, will come the true difficulties of our position. The struggle will pass from the field of battle to the arena of politics; to that terrible arena where death can be inflicted and no sword be lifted, where a nation can perish and no blood mark the spot where it fell.

It is easy to say that the fate of this rebellion will prevent all future rebellions. Great events do not repeat themselves. This has been a struggle in which insurgent populations struck at constituted authority; the next may be waged by the forces of evil clothed in all the sanctities of office against the liberty of the nation. We cannot draw precedents out of revolutions. It is not given to the cunning of man to conceive the thousand hues which the warp and woof of circumstances will assume under the shifting hand of time.

We have already had upon this continent many instances wherein republican institutions have given birth to a long succession of anarchical revolutions; not one where the dreadful progeny has stopped with the first birth, and where an appeased struggle has been followed by a perpetual peace. It would seem to be a rule of nature that these monsters of the political world should procreate their species; and it will require upon the part of the American people the broadest wisdom, the wisest statesmanship to root out from the soil of the country forever the spirit of anarchy which has obtained such a strong foothold upon it.

Surely, Mr. Speaker, we should approach this grave and solemn question with none of the bitter sentiments of partisans. Ages after the froth of our declamations has disappeared in that oblivion which swallows up so much of human toil and endeavor the consequences of our present action will remain, massive and momentous in the midst of the world, working misery or conferring happiness upon untold millions of men. In the presence of that august future the language of reproach and recrimination should die upon our lips, and we should address ourselves to the problem before us with but one absorbing thought—*the safety of the nation.*

This, after all, Mr. Speaker, must be the central core of all that can be said on this question. The safety of the nation! Beside this what can be counted important? Laws, constitutions, governments, are but means to this end, and this end includes all for which laws, constitutions, and governments are valuable.

The mass of the people should understand that they are the stake involved in this contest. The rich and the great float above the reach of misgovernment and thrive even upon the surface of despotism; but as we descend the scale of society the consequences of misgovernment become more and more apparent, and when at last we reach the basis of the social structure they stand out in characters never to be mistaken. The contrast between the prosperous laborers of America, the peasantry of France, and the lazzaroni of Italy, marks with precision the difference between the three Governments. It is upon the poor man, after all, the base of the column, that the whole weight of the superincumbent mass must rest. Let no man think, therefore, that his poverty or obscurity will screen him from the results of an unwise adjustment of our present troubles; those results will be as universal and as inevitable as death itself; they will follow him to his hovel; they will track him as he flies out into the pathless wilderness.

What, then, will insure the safety of the nation? There is but one answer: the prevention of that state of things out of which the rebellion arose.

I need not stop to discuss the right of the nation to take all measures necessary for its own existence. When a human being enters into the dreadful vortex of death the hand of the law is withdrawn from him. To save that life which God has given him, his first great right, he may commit all the crimes in the calendar. The sinking mariner has a right to shake off into the jaws of the tempest the drowning wretch who clings to the plank beside him. The claim to life stands higher than any known law.

Shall less be said of a nation, which is an association of men, with a life as dear to all as the life of any one man is to himself? Who shall assume that among the very safeguards which surround a nation something may be found with which to assassinate it?

While events move forward with gigantic steps they are rapidly trampling into the ground that poor, lame, blind absurdity, State sovereignty, that bastard of the old Confederation, that prolific parent of many of the woes which have fallen upon us, that bulwark behind which even yet treason betakes itself in its hour of terror. The American people are determined to be one nation; one absolute, supreme, irresistible nation; not in the words of Washington, as applied to the Confederation, "one nation to-day and thirteen to-morrow," not a Polish diet with as many vetoes as members, not a mere rope of sand, but *one* nation, for good and ill, now and forever ONE NATION. The absolute power which rests somewhere shall rest in the hands of this Government. It matters nothing in what way the nation arose; whether from its creative abundance it gave birth to the States, or whether it grew from a congelation of the States. Possessing existence and being sovereign it has a right to all things necessary to a continuance of its life and sovereignty.

We who come, Mr. Speaker, from the far West have not that deep and ingrained veneration for State power which is to be found among the inhabitants of some of the older States. We have found that State lines, State names, State organizations, are in most cases, the veriest creatures of accident. To us there is no savor of antiquity about them. Our people move into a region of country and *make* the State. We feel ourselves to be offshoots of the nation. We look to the nation for protection. The love of our hearts gathers around the nation; and there is no prouder and no gladder sight to our eyes than the flag of the nation fluttering in the sunshine over our frontier homes. We are willing to trust the nation. We have never received aught at its hands but benefits. We need erect no bulwark of State sovereignty behind which to shelter ourselves from the gifts which it so generously and bountifully showers upon us; and when the order of nature is reversed and it calls to us in its extremity for help and protection, the farmer will be found leaving his plow in the furrow, and the woodman the tree half felled in the forest, to fly to its assistance. Part of a mighty nation, we feel that our fame and our greatness reach to the uttermost ends of the earth, over all the seas, and through all the continent. Citizens of States, we are lost and buried from the gaze of mankind, the tributary Nubias of those governments which control the mouth of our Nile; without commerce, without a navy, without a flag; the merest insignificant accidents. Be assured, sir, those interior States will forever insist upon "the Union," and will continue to insist upon it, even if abandoned by all the rest of the nation. It is their right to reach the sea in every direction over kindred territory; nay, it is more than their right; it is their necessity.

There is, then, one solidified sentiment in the hearts of our people, one sentiment which will not be denied, one sentiment which rises above all political considerations—*this nation must live.* What shall stand in the way of its life? The institution of slavery? Put the nation and slavery in the balance and ask the people of the Northwest to choose between them. What is slavery to them? Unfitted for their climate, repugnant to their tastes, destructive to their interests, bloody with the blood of their children, onerous with the weight of taxation to themselves, and terrible with portents of ruin to the nation in the future, what interest have they in the preservation of slavery? Will they for slavery give up that kind and generous Government which has so long blessed and protected them? Will they for slavery see their fair, bright flag, with all its clustering stars and all its lines of light, torn into shreds and trampled in the dust? Will they for slavery drag down upon themselves the fabric of their Government and bury themselves beneath mountains of anarchy and destruction? Never! It needs but to present the question to call forth a unanimous answer. Let that man step forth who is willing to bring calamity and ruin upon himself and family that a gigantic crime may continue to exist, undisturbed, a thousand miles away; who is willing to sacrifice the enjoyments of earth that hell may escape annoyance.

But it may be said slavery and the nation may continue to exist in unison. I appeal to history. Scarce had our Government taken shape when the anti-slavery agitation commenced under the lead of that great and good man, Benjamin Franklin; he who dragged the lightnings from heaven and the scepter from the grasp of tyrants. From that day to this the history of the country has been the history of slavery. For this end were our acquisitions of territory—Louisiana, Florida, New Mexico. For this end was the Mexican war. For this end were our conventions, our platforms, our fugitive slave laws, our compromises. Not content with the wide scope afforded in our own country, the demoniacal energy of slavery swept over the margin of the nation and invaded with armed expeditions the islands of the Gulf and the territories of the Isthmus. It even plumed its dark wings for a wilder flight, and sought the reopening of the African slave trade, the terror, the horror, and the disgrace of mankind. At length assailed and resisted by a people who had either to resist or fall prostrate before it, its accumulated vengeance burst forth in a tempest which now shakes the world to its center.

And now—what now? Why, we are asked to call, nay, to coax back this restless, insatiate, grasping, ungovernable monster, now clouding the horizon of the world and filling the air with the clangor of his arms, into the casket from which he escaped, to be held in peace forever under the Solomonic seal of the Constitution! It was permitted us to make of the cub of the lion a plaything and a pet; but the beast has reached the age of maturity; his eye-balls have learned to roll and his mane to bristle; he has broken loose from his fastenings, and betaking himself to the forest has brought horror and death upon a whole countryside; and now, now we are soberly asked to restore him, untamed and unharmed, to the tender bosom of our family circle, to become once more the fondling of our laps and the plaything of our children!

Mr. Speaker, so surely as God lives, there is no safety for this nation so long as a spark of vitality remains in the institution of slavery. Let us read history, and gather from it, as Lord Bolingbroke advises us, "not heat but light."

What have caused the most continuous and persistent wars? The answer is, the attempts of dethroned dynasties to regain power.

Turn to England. What were the wars of the Roses but the struggles of families? How many bloody battles, persecutions, and insurrections did not the Stuart family bring upon England? Cromwell supposed when he had lopped off the head of the king and driven the heir apparent headlong out of the country that the nation had seen the last of them; but scarce had the Lord Protector grown cold in his grave before the whole troop came back amid bonfires and illuminations. Once more, in the person of James II, they were driven out, and again, not only England, but Ireland and Scotland, were drenched in blood in their mad efforts to regain power.

Turn to France. The men of the great Revolution recognized both king and nobility as their natural enemies, and proceeded to behead them as fast as they laid hands upon them; it was their purpose to annihilate them. But the vitality of the dynasty and the caste survived the wrath of the people; it survived the reign of terror; it survived the consulate; it survived the empire; it survived even the mighty triumphs of Napoleon, and rose again to power upon his ruins. Again it fell; and now, seventy years after its first downfall, the Bourbon stands without the gate of France, patiently waiting for that hour when he may rush in and once more, at any cost of blood and treasure, seize upon the throne.

And yet what dynasty, what family, what race of men so permanent or so powerful as this in-

stitution of slavery, appealing at once to the pride and the purses of its votaries? It has in it the soul of a thousand Stuarts; the blood of ten thousand Bourbons. If the lapse of three quarters of a century has not taught the royal family of France forgetfulness, what lesson shall it bring to this proud, ambitious system, humiliated but not subdued, scotched but not killed? And yet the comparison is scarcely a just one. France drove forth the Bourbons, and England the Stuarts. Let us suppose them retained in their midst; let us suppose that they had nurtured and fostered them, and in the engrossment of other pursuits had afforded them free scope for every machination which cunning and ambition could devise. What, Mr. Speaker, would have been their fate, but well-deserved, complete, and continuous ruin?

Yet this is what we are asked to do with this dynasty, slavery! Worn with fruitless strugglings against us, dusty and bloody from a thousand fields, with drooping jaws, glazed eyes, and dejected visage, he asks shelter at our feet, repose, protection; space to stretch his weary limbs; time for the exhausted juices of his body to resume their accustomed flow. Spare him but this little while, and once more the monster will be upon his feet, once more his roar will shake the world, once more his talons will be clotted with the flesh and blood of those near and dear to you and I and all of us. God in His infinite mercy spare us such a fate! Let death fall upon the offender, slavery! This is no wrestling match which the nation can relinquish and resume at pleasure. This struggle means, and has meant from the beginning, death to one of the combatants. Why hesitate? Death let it be to the conquered. Let slavery die that the nation may live!

But we are told that we cannot subdue the South. Our answer is, *we are doing it!*

But we are told by the gentleman from New York [Mr. FERNANDO WOOD] that no purely agricultural people ever have been subdued. Our reply is, that if that be so, we are great enough to create precedents.

But I deny the statement. The gentleman from New York has read history to little advantage if he does not know that the record of the world is underlaid by two great facts—conquest and subjugation. Turn to any point and the instances crowd upon us. There are the vast conquests of the Romans, and in turn the conquest of Rome itself and its provinces by the northern tribes, a conquest and subjugation which have endured from that day to this. Upon what does the dynasty and the nobility of England now rest but upon a conquest achieved in a single battle, and upon a subjugation which has remained unquestioned for nearly a thousand years? Upon what, until the close of the last century, did the dynasty and nobility of France rest but upon a similar conquest and subjugation? The great Revolution was but the rising up of the subject Celt against the dominant Goth. To come to a later epoch: did not the French people, the most warlike in the world, but a short time since fall utterly conquered and subdued at the feet of Europe, and accept at its hands and obey for fifty years a form of government and a dynasty repugnant to its desires? Where is Poland? Alas! we hear its unhappy cries ringing in the air. Is there no such thing as the conquest and subjugation of a purely agricultural people? Let Poland answer! In short, if we take away from the history of mankind this rising up of race over race, this giving way of the weaker people to the stronger, its great salient features are destroyed, and it ceases to be a record of our race.

How then does this question present itself? If the destruction of slavery, its utter and absolute destruction, is necessary to the safety of the nation, nothing must be left to chance in reaching that end. The seeds of evil take root in the interstices of chance.

If, then, the system proposed by the President, while admirable in its general intent, is deficient in the machinery which will insure safety, it is our duty to supply that defect. The plan of the President, unsupported by any action on our part, hangs upon too many contingencies. It may be repealed by his successor; it may be resisted by Congress; it may be annulled by the Supreme Court. It rests the welfare of the nation upon the mind of one man; it rests the whole structure of social order upon the unstable foundation of individual oaths.

The events of this war have not strengthened popular faith in the efficacy of oaths. One of the rebel generals, Jeff. Thompson, tells us that in traveling through those regions alternately overrun by the contending armies, when he spoke with the citizens they would consult their note-books to see which oath of allegiance they had taken last before daring to express their sentiments. How many hundreds, yes thousands, of rebel dead have been found upon our battle-fields with oaths of allegiance, sworn and subscribed, in their pockets? If oaths could bind these men we should have had no rebellion; for what leader among them has not sworn a score of times fidelity to the Constitution? No, sir, it is the conscience of the Thug makes him an assassin; and these men conscientiously commit perjury. But even if such perjury be a violation of conscience, will that man shrink from violating conscience who has set his all, wealth, family, and life itself, upon the hazard of the die? Is perjury greater than treason and murder? Verily, this is attempting to bind Samson with burnt withes!

Can any sane man doubt that if you give the powers of State governments into the hands of any part of these people you will not only have to protect them from the rest of the population but you will have to protect yourselves from them? It was but the other day, as we are informed, that the wise counsels of one man were all that prevented the *Union* Governor of Kentucky from plunging that State into rebellion and civil war. And this was Kentucky—not South Carolina!

All other considerations aside, the safety of the nation requires that we should never permit this assassin, slavery, to rise to his feet, though he should fill heaven with his oaths and promises.

Is there any man who desires to see this war fought over again? If so, let him stand forth and raise his protecting hands over slavery. Is there any man who desires the nation to recommence where it commenced in the dark and awful days of 1861? If so, let him step forth and protect slavery. Are there fathers who have new sons, yet scarce bearded, for new battle-fields in the bloody South? If so, let them step forth and protect slavery. For one, I prefer the honesty and the candor of banners and long lines and glittering steel and bellowing cannon, rather than the bitterness of battle hidden under the honey of peace, rather than the stiletto of some eloquent traitor driven home into the heart of an unsuspecting and unguarded people in the hours consecrated to peace and rejoicing.

Then, Mr. Speaker, I am for the bill introduced by the gentleman from Maryland, [Mr. DAVIS,] and if any measure of greater security can be devised I am for that. I am for an amendment of the Constitution to prohibit slavery as soon as that is attainable. I am for any and every measure which will add, in this respect, to the security of the people.

I am aware, Mr. Speaker, of the great claims which President Lincoln has upon the people of the United States. I recognize that popularity which accompanies him, and which, considering the ordeal through which he has passed, is little less than miraculous. I recognize that unquestioning faith in his honesty and ability which pervades all classes, and that sincere affection with which almost the entire population regard him. We must not underrate him even in our praises. He is a great man. Great not after the old models of the world, but with a homely and original greatness. He will stand out to future ages in the history of these crowded and confused times with wonderful distinctness. He has carried a vast and discordant population safely and peacefully through the greatest of political revolutions with such consummate sagacity and skill that while he led he appeared to follow; while he innovated beyond all precedent he has been denounced as tardy; while he struck the shackles from the limbs of three million slaves he has been hailed as a conservative! If to adapt, persistently and continuously, just and righteous principles to all the perplexed windings and changes of human events, and to secure in the end the complete triumph of those principles, be statesmanship, then Abraham Lincoln is the first of statesmen.

In so far as his amnesty proclamation springs from the tenderness and kindness of his heart, it is worthy of him, and worthy of the merciful, christianized, and civilized American people, who, while demanding all things necessary to their own safety, will ask nothing for revenge.

If the end of the war is to be a restoration *of the appearance* of the old Government; a patching together of the broken shreds and fragments; a propping up of the fabric in such style that the next Administration may possibly get out from under it before it falls, then that proclamation may be found all-sufficient. But for all other purposes it will be utterly unavailing. It does not reach the heart of the distemper:

> "It will but skin and film the ulcerous part,
> Whiles rank corruption, mining all beneath,
> Infects unseen."

We owe more than this to ourselves; we owe more than this to the South. We must regenerate the South. We must plant a free press firmly upon its soil; we must guaranty freedom of speech throughout its entire length and breadth; we must enforce education upon its people, black and white. The day of ignominious martyrdom for opinion's sake is past forever within the limits of the United States. Never again shall the reading of a certain newspaper or the holding of certain political doctrines be an indictable offense. Resting as our Government does upon the enlightened judgment of the people, we cannot permit crops of ignorance to ripen into harvests of rebellion. Thought must range unfettered over the whole extent of the South, and education be everywhere as free, as pure, and as abundant as the air we breathe.

It is said that we propose to oppress the people of the South. It would be well if such oppression could cover the whole surface of the known world! Ours is an oppression which makes free; ours a despotism which builds the school-house and the printing-office; ours a tyranny which sets the plow moving in the furrow and covers the lakes and the rivers with the white wings of commerce. God give the world abundance of such oppression!

But there is behind all this a further consideration. There is a vast population of human beings in the South hitherto held as slaves. They are now freemen. Many of them have fought under our banners and suffered wounds in our cause. Can we permit a doubt to rest upon the future of these men? Can we permit their freedom to hang upon a hazard? Can we leave them, helpless and ignorant, to the mercy of their late masters? Can we give them the name and the semblance of freedom and yet leave them to all the horrors of renewed slavery? Is it the part of a great nation

> "To keep the word of promise to the ear,
> And break it to the hope?"

No; the Government must be present to protect these men from a hate and a prejudice bitterer than death. It must educate them; it must civilize them; it must afford them every opportunity for development and advancement; it must faithfully carry out, in spirit and in letter, the promise of liberty held forth to them.

Shall we have no return for all this? Ah, Mr. Speaker, we shall then have, not alone a miserable and dissatisfied population clinging to an institution which the nation abhors, which the civilized world abominates, ready to vote for it, to fight for it, seething in one perpetual mass of discontent, and ready at all times in all emergencies to rise against the nation. No, Mr. Speaker; no such miserable sight presents itself to my eyes; but I can see down the long vista of time a vast population to whom the word "Union" shall signify home, hope, prosperity, liberty; and as they rise—for they will rise, for who can live in the midst of civilization and resist its influences?—as they rise, Mr. Speaker, every new privilege wrung from prejudice by the sweat of their industry or the development of their intelligence, shall light up in the heart of that swarthy multitude new devotion to the great word "Union," new love for that banner which is at once to them a glory, a protection, and a prophecy. God grant them prosperity and the fullest development of which they are capable; I say God grant it from the very bottom of my heart! Not that I would rate them above or even equal to our own proud, illustrious, and dominant race—our imperial race, the colonizers of the continents, the rulers of the

seas, the masters of the globe. But these men are our human kindred—poor, patient, helpless, and unhappy—appealing by their miseries to our mercy, by their manhood to our sense of justice. Who will lend a hand to crush this poor and unfortunate people still further into the dust? Who will beat down those whom fortune has already so bitterly afflicted? Let that man stand forth who will give to patience blows and to poverty oppression, and who can find in the dreadful extreme of human suffering and degradation only opportunity for the exercise of brutality and cruelty. For myself I shall strive at all times to do them complete and entire justice; and I thank God that the work of justice to the wretched goes hand in hand with devotion to the best interests of our beloved country.

But there is still another consideration. So far I have striven to conduct this argument with a view only to its political relations, to the effect of the questions involved upon the material welfare of the people.

But there is something beyond all this. There are considerations as far above all this as the heavens are above the earth. To every man comes home this question: Shall I take my place in the ranks of that continuous and unending procession of events, which, since the revival of civilization in Europe, has been steadily pressing forward over the world and through the centuries? Or shall I be of those frail and feeble ones who present their breasts as barriers and bulwarks against the rising flood which the breath of God is swelling and lifting over all the wrongs and iniquities of the world?

And who will dare to say that in the long fight of the centuries error is not hourly losing blood and strength and life; that truth is not each day arming itself with new and more formidable weapons, shining each day with more glorious and more effulgent radiance?

Let us take to ourselves the consolation afforded by this thought—that truth is imperishable, and that no human power is sufficient to destroy it. It is a subtle essence—the soul of the material world. The heavens and the earth may pass away, but truth shall not pass away. We have seen it in all the past liberated by the blows aimed at its destruction. We have seen it passing, upon golden wings, out through all the meshes with which the perverted skill of the human mind sought to entangle it.

Let us remember, then, that in so far as we contribute, however humbly, to the cause of truth, we are identifying our temporary existence with an eternal work. This is a posterity which shall never die; this shall live and brighten and keep green our memories when the descendants of our bodies have disappeared from among the things of the world.

For myself, I can see the welfare of my country only in those things which widen the opportunities and elevate the dignity of mankind. I cannot perceive the advantage to any man of the degradation of any other man; and I feel assured of the greatness and perpetuity of my country only in so far as it identifies itself with the uninterrupted progress and the universal liberty of mankind.

Mr. DENISON. Mr. Speaker, I am opposed to the bill under discussion, and I am gratified with this opportunity to explain my views upon the subject. The name of the bill is "A bill to guaranty to certain States, whose governments have been usurped or overthrown, a republican form of government."

The object of the bill is to change the relations between certain States and the General Government, and to make it impossible for the States referred to, under any circumstances, to hold slaves or to be organized under a constitution which permits slavery. I do not think that any political party, or any great number of men, excepting the abolitionists in the northern States, ever cared anything about the extension, perpetuity, or destruction of slavery. They have not been interested in the subject further than they were benefited by the cheap system of labor in the South, and the market which their manufactures found in that portion of our country. But that the General Government should assume the right to control, by act of Congress, the domestic institutions of sovereign States, is a different question.

The State of Pennsylvania a few years back in her history determined to abolish slavery. What would have been the condition of the question if the General Government had denied the power of that State to dispose of a mere question of property in any manner which the people of that State might choose? Such assumption of power would have been resisted by all the people of every State in the Union as an encroachment upon the reserved rights of the States. And such would be the case if the people of that State should see fit to adopt slavery at this time There is not, under the theory of our Government, any power delegated to the General Government to prevent that condition of things, or we have all greatly misunderstood our own Government and the relation which each of the States has held to the national Government. The proposed law will change that relation, not over new States asking admission into the Union, but over States heretofore existing as a part of the national Government, and which still exist as States as fully as ever they did, even if the language of the bill be true that the State authority has been usurped or overthrown. If the people of the State have committed treason the municipal corporation cannot be guilty of treason, nor forfeit any of its rights as a State any more than a township could cease to be a part of a county because all the able-bodied men should move out of it, or be convicted of larceny. When other men should come or children grow to be men to fill the offices necessary in a municipal corporation it would still be a township and a part of the county as much as if the municipal offices had never been vacant. And such will be the condition of the States referred to unless by this law or the amendment of the Constitution now pending we change that state of things.

The law proposed is especially intended to govern men who are not represented in the passage of the bill, and at a time when we have not the power to reconstruct a single State, and if such law could ever become proper that time has not arrived. This is only one step further toward centralizing all power in the General Government which has been pursued by Congress in the passage of laws, and by the President in his proclamations. Each of these departments of Government has treated the States as if they had no reserved rights. State lines have been disregarded, and all State constitutions have been trampled upon, and the rights of the citizen everywhere have been placed at the mercy of the military power, and a solemn act of Congress has been passed to indemnify and protect the agents of this military power in the perpetration of any crime which they may see fit to inflict. The passage of this law will be the final gathering up of the reserved rights of States, and the last vestige of protection of the citizen under State constitutions will be taken away, and all power centralized in the General Government. This state of things I am not prepared to sanction by my vote.

But I have another reason for my opposition to the bill, and it is the fact that it is founded upon and intended to legalize and perpetuate the unconstitutional acts and proclamations of the President. I say unconstitutional acts of the President, and if my position be correct then any laws founded upon these proclamations will be looked upon and actually be the extreme of folly.

The acts and proclamations of which I complain and to which I allude are those which the President has done and proclaimed in pursuance of his war power and as Commander-in-Chief of the Army. The Constitution makes "the President the Commander-in-Chief of the Army and Navy and of the militia of the several States when called into actual service of the United States." But before entering upon the duties of his office he is required to take his oath that he will faithfully execute the office of President of the United States, and to the best of his ability preserve, protect, and defend the Constitution of the United States. It is by virtue of these provisions of the Constitution that a President elect enters upon his duties and gets control of his powers. It will be observed that the only thing which the President is required to take an oath to do is to "preserve, protect, and defend the Constitution of the United States." In all other of his official acts nothing is required of him but to act faithfully; but in the defense and protection of the Constitution there must be no question, and that is the only one thing especially mentioned in his official oath. As if the framers of the Constitution regarded the protection and defense of that instrument as the paramount and principal business of the President, and in order that he might have the necessary power to perform that duty, he was made Commander-in-Chief of the Army and Navy, and of the militia of the States whenever in the actual service of the United States.

But he must, from the nature of the case, be Commander-in-Chief of the Army and Navy in a qualified sense of the word. It is not presumed that a mere civilian should have the qualifications of a general in the field, and if he were qualified he could not attend to the duties of a military commander and all the various duties of his office as President at the same time; nor could he command the Army and Navy at the same time. The Constitution presumes that the President is a statesman. It is not the presumption of that instrument that he is either a military or a naval officer. And with very few exceptions the Presidents of the United States have not possessed any knowledge of either military or naval affairs. By virtue of his office he can remove and fill the places of all the civil officers of the Government, and by virtue of his office as Commander-in-Chief he can appoint and remove the officers of the Army, and in that way may control the Army as he does control the Treasury Department and Post Office Department, and in fact all of the Departments of Government. Nor was it intended by the framers of the Constitution that he should be Commander-in-Chief of the Army in any other sense than as he is controller of the Post-Office, the Treasury Department, the Mint, &c. He had taken an oath to "preserve, protect, and defend the Constitution." The Constitution was the dearest thing in the minds of the American people. That Constitution had made their Union of States, it contained the civil and religious liberties of their children, and was their Government, the life of the nation, and without this great covenant between the rulers and the people there was no Government and no nation; and to "preserve, protect, and defend" that evidence of the sovereign will of the people, it was necessary to lodge power somewhere, and the Constitution placed it in the President. They could look back over the history of the past and see the whole ocean of time filled with fragments of republics which had fallen sacrifices to the usurpations and encroachments of military ambition and military power, and therefore the Constitution, which he had sworn to "preserve, protect, and defend," gave him power to remove any military chief who should encroach upon the Constitution. He had power to surround the civil office of President with a wall stronger than adamant, and that power he had taken his oath to exert in the protection of the Constitution. That such is the war power of the President is shown in the history of the country. No former President ever attempted to act as Commander-in-Chief of the Army, except in this qualified sense.

At the time of the whisky rebellion in Pennsylvania the President, General Washington, refused to take command of the Army as Commander-in-Chief. He went as President in his civil capacity. The reason given for this military usurpation is the example General Jackson set at New Orleans; but he was not then President, but a purely military officer, and he suspended the writ of *habeas corpus* only in the city of New Orleans and in the immediate vicinity of the operations of the Army and only for the time necessary to prepare for and fight the battle, and then it was restored, and he submitted to and paid the fine imposed by the court, and thus acknowledged the supremacy of the civil over the military authority under the Constitution. And the American Congress, after a period of many years, approved of his use of this war power, and confirmed the interpretation which I claim for the Constitution by refunding to him the fine and its interest.

The Constitution provides "that the privilege of the writ of *habeas corpus*" shall not be suspended, "unless when in cases of rebellion or invasion the public safety may require it." This power is not among those enumerated in the Constitution as belonging to the President, nor among those granted by that instrument to Congress. If this power belongs to the President as a part of his war power then the Government and the people and all of their rights are at his mercy and

liable to share the fate of all former republics. But if the actual commander of the Army in the field is the person intended for the exercise of this power, he would have the opportunity of knowing when the operations of the Army were likely to be interrupted by the civil authority, and he could suspend the writ without danger to the liberties of the people; and if he should make an improper use of the power and encroach upon the liberties of the people without this necessity, there would stand the President, armed with his war power and bound by his oath to remove such officer and place a safer and better man in his place. And that, in my view, is the limit of his legitimate war power.

Nor have any of the Presidents of the United States, from the foundation of the Government, taken upon themselves any of the responsibilities or duties of a Commander-in-Chief of the Army in the field, until since the 4th day of March, A. D. 1861. Since that time a new interpretation has been given to the President's war power.

This power was given to the President that he might defend himself and the dignity of his office, and that he might have power to maintain the supremacy of the civil over the military power of the country, that he might "preserve, protect, and defend the Constitution," that he might secure to the people the elective franchise free from military interference, and to every citizen of this broad land the right of trial by a jury of his equals, and, above all other rights, to protect the people from the suspension of the writ of *habeas corpus* by his military comanders, excepting in cases "when the public safety" might require the suspension. This new interpretation makes the war power of the President a weapon for the overthrow and destruction of the very powers and rights which it was placed in his hands to protect and defend from the assaults and usurpations of the military power. The liberties of the people and the perpetuity of our form of government cannot be preserved under any such interpretation of this war power of the President, and the proof of this position is written in the history of this country during the past three years.

Look a moment at this history, marked and bloody with the record of blunders occasioned by this new interpretation of the President's war power. It was from this city and from this power that emanated the cry of "On to Richmond!" that ended in the disgraceful defeat at Bull Run, and sent our Army back to this city a disorganized and a dangerous mob. It was the controlling influence of this power in the hands of the President that disposed of our forces and led to our defeat at the battle of Fair Oaks and the seven days' fighting in front of Richmond. And when Burnside asked that he might not fight the battle of Fredericksburg, his orders from our Commander-in-Chief were to fight the battle, and thousands of our best and bravest men were left heaped up dead upon that unfortunate field, sacrificed to the military ambition of a mere civilian, in his attempt to be the Commander-in-Chief of the Army, and one hundred thousand widows and orphans are to-day heaping curses upon his head for thus attempting to use a power that was placed in his hands for a different purpose. When we look through this history we cannot fail to see enough to make us doubt the interpretation that places this war power in the President to control our generals in the field, embarrass our armies, and sacrifice our soldiers. It must have been placed there for a very different purpose. The assumption of this war power has made the army of the Potomac almost worthless in this war; and it now remains to be seen whether General Grant will be permitted to command that army or whether the disappointments and disgrace of his predecessors await him. This power proved the disgrace of Pope and Burnside, and the sacrifice and removal of McClellan. If the President believed McClellan incompetent for his position, or dangerous to the liberties of the people, or liable to encroach upon the Constitution, then it was his duty to remove him and appoint his successor, and that was the limit of his war power under the Constitution.

But when we turn from the consequences of this new interpretation of the war power upon the Army to its effects upon the Government, the Constitution, and the civil institutions of the country, we see the danger of this interpretation. It was to protect this Government, the Constitution, and these civil institutions, that he, as the servant of the people, was invested with this power, and it was for this purpose alone that his official oath was required of him. Our fathers left us, reared and finished, a temple of liberty, so high that the oppressed of all lands could see it, and its shadow fell upon and protected the rights of every human being in this great land, and so simple and so beautiful that a child could comprehend and admire it. This bright temple has been torn down, and a most cruel, wicked, and monstrous military despotism has been reared upon its ruins. The rights of citizens are not respected under the laws of States or the Constitution and laws of the United States, and all the protection afforded by State courts and State laws and constitutions to the citizen is set aside and disregarded.

The Constitution declares that "the privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it." What rebellion has there been, or is there now, in the State of New Hampshire? In what respect did the public safety require its suspension in the State of Pennsylvania? And yet there is not legal power enough in that State to take a man, unjustly restrained of his liberty, from this military power and secure him a trial. Men are arrested without warrant, condemned without trial, and punished without conviction.

It is said in the discussions upon this subject that slavery must be abolished to produce sameness in our institutions, our interests, and our opinions; and it is called "homogeneity," and is stated in another way by the words "irrepressible conflict." The man who first made use of the term "irrepressible conflict" did not say a new thing, but a very wicked one. Philip II of Spain was accomplishing the same thing when he attempted to make all of his subjects of one religion; he inaugurated an "irrepressible conflict" to compel all of his subjects to think and believe as he did, and at a period when Spain was the most powerful nation on earth, with a continual stream of gold running into his treasury, he carried on a most cruel and destructive war for thirty years, with all the power of his great empire, against a few Dutchmen in the Netherlands and was beaten and defeated in the contest. He failed to either "conquer or exterminate" them. The Puritans of New England were attempting the same thing when they burned the Quakers and drove clergymen from their colonies. And if it were not the negro and the South toward which this fanaticism is directing its energy, its zeal, and its vengeance, it would be the Quakers, the Catholic religion, or some temperance question.

The trouble is not that slavery existed, but that a wild, unrelenting, vindictive, wicked, and cruel fanaticism existed, and happened to fasten its deadly fangs upon slavery. This necessity for abolishing slavery is an effort upon the part of the strong to justify its crimes against the weak. This sameness of institutions, interests, and opinions cannot be accomplished, and it would be wrong to do so if it could. As well might we attempt to level the mountains and fill up the valleys and the rivers and lakes and oceans, and make the whole earth one dead level plain and worthless.

God made the mountains and the valleys and the rivers and oceans for our good, and He gave men different minds, interests, institutions, and opinions for our good, and the remedy for those who differ with others in institutions and opinions is for every man, and the people of every State and of every Government, to mind their own affairs, and respect the opinions and the interests and institutions of others, and not arrogate to themselves the right to manage the affairs of others. Our system of government is founded upon this idea, and it had better be respected.

The bill speaks of States whose authority has been usurped or overthrown. That happens to be the condition of all the States, North and South, and we might turn our attention to the reconstruction of our own States; or it might be interesting to inquire whether some gentlemen in the southern congress, (rebel, if you please,) like the author of this bill, anxious for notoriety and perhaps a position at the head of a bureau, might not be organizing a system for reconstructing the northern States, with constitutions requiring a republican form of government with slavery. Neither party has power to enforce such law if passed.

This word reconstruction appears to charm the advocates of the bill. The only reconstruction there ever can be is to spread the broad powers and the kindly influence of the Constitution and laws over all the land, when the usurpations of this military war power shall be removed; and this applies as well to the North as to the South. I do not justify the secession of the southern States. It was brought about by wicked and foolish men, who deserve punishment—wicked, for they preferred their ambitious projects to the good of their country; foolish, because they should have fought their battles within the Union and under the Constitution and the laws, and not upon their ruin. But I have believed, and still do, that there are good men, patriots enough, North and South, to control and dispose of the abolitionists and secessionists and once more restore our glorious old Union.

The Constitution was the only bond of union that bound the States together, and that instrument has been equally suspended and destroyed North and South, and there is no Union; all laws and all constitutions have been swallowed up by the new interpretation given to this war power. There is no Union to-day among the States not in rebellion; they are kept together by this war power, the force of habit, and the influence of money and plunder, and the necessity of meeting a common foe. We are now floating at the mercy of chance and the waves upon a mere fragment of our broken Union, and our pilot is bewildered by the contradictory "pressure" of his advisers. And the New England wreckers are not burning blue-lights to render aid and comfort to the enemy, but they are holding up false lights that will complete the wreck.

One set of men tell him that universal emancipation and reconstruction without slavery, as proposed in this bill, will save his craft. I tell him it will extinguish State rights and make our form of government different from that left us in the Constitution. Another set of men tell him to confiscate the lands of the South in fee and in violation of the plain provision of the Constitution will restore the Union. I tell him that it will destroy the last hope of reconstruction, and bring us to the painful alternative of recognizing or annihilating the South, and to neither of these conditions am I prepared to give my consent. You speak of bringing the South back. I ask, back to what? back to where? It cannot be back to the Constitution, for that Constitution has been destroyed, and all civil rights have been destroyed with it. And should they come back to the crude and chaotic proclamations of the President's military war power, that has made a camp of the entire land? They have enough of war power at home; and with this war power and its proclamations, and our confiscation acts and reconstruction bureaus, there is no motive for the South to come back. They can but fare worse than to fight, and fight they do.

One hundred and forty thousand of the American people in my district have sent their sons to the Army to fight for and maintain their Government as laid down in the Constitution. They have sent me here as their representative to maintain the same thing, and in their name I ask what you have done with their Government? On the 4th day of March, 1861, they placed their Government in your hands. And in that Government was secured to the people free speech, a free press, security of person and property, and the elective franchise undisturbed by military power, and to those suspected of crime a fair and speedy trial, and to all the benefit of the great right of the writ of *habeas corpus*. What have you done with this Government? The one which you have furnished secures none of these rights. Shall I tell them you are not bound by your oath in time of war; that when you made your oath to "preserve, protect, and defend the Constitution" it was upon condition that we had no war? When do you propose to restore to the people their Government?

The interpretation which I claim for the President's war power is the only one which will perpetuate our republican form of Government. The history of every day which passes over our heads is full of meaning and confirms this position.

There does not exist on earth a more despotic Government than that of Abraham Lincoln. He is a despot in fact, if not in name. The constitutional right of the citizen to bear arms has been denied, and houses searched and arms taken from the citizen; the right of trial denied, and citizens have been banished the country without trial or conviction; and I only mention some of the outrages perpetrated by this war power to say that if our Government has been fairly administered under this new interpretation of the war power for the last three years it does not matter how soon it is destroyed. It is not worth to the people a dollar or a battle or a man. And it does not matter to the people whether their liberties have been taken away by Abraham Lincoln as President or as Commander-in-Chief of the Army; he is no less a despot and they no less slaves.

It is more than eighteen hundred years since a Roman emperor first employed spies and informers to watch the citizen, overhear his private conversation in hours of social intercourse, for information to convict the best and wealthiest citizens of disloyalty, and their property was then confiscated and divided between the Government and the informer. This was less than seventy years before the Roman empire was put up at auction by the imperial cohorts and city guards to the highest bidder. And the right to govern that vast empire was purchased by a jeweler, who had heaped up great wealth by selling jewelry to the army contractors, the men who had made haste to get rich out of the corruptions of the times; but the city of Rome had then been founded more than eight hundred years before an emperor could be found wicked enough and a people corrupt enough to inaugurate this state of things. We have not existed as a nation a century, and yet we hear of spies and detectives, and are pained to know that American citizens can be found debased enough to act in that capacity; and this is one of the results of the exercise of this war power.

The President, by virtue of this new interpretation of his war power, makes laws by proclamation, and does really dispense with the action of Congress. He usurps in himself all the powers of Government—judicial, legislative, and executive—and believing, as I do, that his proclamation of freedom to the slaves is not only a violation of the Constitution but of his official oath, I shall not vote to sanction any such interpretation of the Constitution, nor for any law intended to perpetuate that proclamation. And the hour is just before the American people when they must choose between the Administration, with its peculiar views of its war power, and their liberties. If the people permit this power, as assumed by their agents, to be continued another term of four years, whether by votes or military dictation, I for one shall regard our old form of government and the liberties of the people as at an end, gathered up by this stupendous war power. And it is for the people, whose liberties have been trifled with, and whose business it is to make their decision, to settle this great problem for themselves. I have thus warned them, and I have cleared my skirts of the responsibility.

Mr. STEVENS. Mr. Speaker, I take this occasion to say a few words which have been long delayed, as I was unwilling to interrupt more important business. What I have to say is mainly supplemental to a speech which I made early in the session. I desire to restate some of the positions I then advanced, that they may not be misunderstood nor longer misstated as they have sometimes been. I should have preferred an earlier time, when some members now absent were present. I wish to reassert them, as I deem them essential to the final success of the cause of the Union. I have offered a substitute to the bill of the committee because that does not, in my judgment, meet the evil. It partially acknowledges the rebel States to have rights under the Constitution, which I deny, as war has abrogated them all. I do not inquire what rights we have under it, but they have none. The bill takes for granted that the President may partially interfere in their civil administration, not as conqueror, but as President of the United States. It adopts in some measure the idea that less than a majority may regulate to some extent the affairs of a republic. But what I deem most objectionable, it seems to me to take away the chance of the confiscation of property of the rebels. But I will proceed to the main object of my remarks.

When the confiscation bill was under consideration I stated my views as to the condition of the seceded States. I spoke of their rights under the Constitution and municipal laws of the Union. I came to the conclusion that they were entitled to no rights under the Constitution and laws, which as to them were abrogated; that they could invoke the aid of neither in their behalf; that they could claim to be treated during the war as belligerents according to the laws of war and the law of nations; that they could claim no other rights than a foreign nation with whom we might be at war; and that they were subject to all the liabilities of such foreign belligerent.

I did not undertake to examine what rights the parent Government might have against rebel individuals under its claim for violated sovereignty when the laws should resume their empire. I inferred that under the laws of war the conqueror had the right to seize the property, real and personal, of the enemy and appropriate it to the payment of the expenses and damages of the war, and make provision for our wounded soldiers, and for the families of the slain. I stated that although the women and children and all persons domiciled within the belligerent territory were enemies, yet in enforcing the rights of conquest the innocent should be spared; that even those actually bearing arms against us who were compelled by the laws of their government to enter their armies should also be spared; but that the property of the morally and politically guilty should be taken for public use.

These positions have been extensively and sharply criticised. That was neither unexpected nor unpleasant. New ideas are always received with distrust, and even when true either rejected or accepted with reluctance. Thorough examination is always desirable. If the positions are sound, discussion will eventually establish them; if unsound, they ought to be exploded.

The discussion in this House was conducted with unusual ability, and until lately with great courtesy and great fairness, except by a single member. His remarks, fraught with demagogical insinuations and personal allusions, excited more disgust than surprise. He belongs to no recognized party. Having apostatized from all the principles which once gave him credit with the people, he has no sympathy with any body of men, in or out of the House, except his own family circle. He stood amidst us a political Ishmael.

I will now notice some of the objections taken to my views. The gentleman from Kentucky [Mr. WADSWORTH] has conducted the argument with great ability and with equal candor and courtesy. He agrees with me that the confederate States are a belligerent power; that they are entitled to the treatment accorded by the laws of war and the law of nations, both in their rights and liabilities; that they have no rights under the Constitution of the United States, and could plead none of its provisions in their defense. He adds more stringent penalties against them than the course of my argument renders it necessary for me to discuss. He says that they are still liable to be proceeded against for treason when peace shall be restored. I agree with him, as I long ago stated on this floor, that before they became belligerents they had, many of them, committed treason. But under the laws of war they cannot be tried for that offense by a military tribunal. A belligerent composed of traitors and rebels stands in a much worse predicament than an innocent foreign nation. And when we come to enforce the rights of conquest we should be justified in insisting upon the *extreme rights* of war, without yielding to the mitigations dictated by modern usage with regard to belligerents originally composed of foreign nations engaged in war which they deemed just.

The fact of their being rebels as well as belligerents only extends our rights and justifies the *summum jus* of martial law. To allow them to plead in palliation that they were our "erring brethren" would be to allow malefactors to take advantage of their own wrong.

But it is said that the confiscation of the property on land of private individuals is not sanctioned by modern practice. As a general rule this is true. But that is owing to the forbearance of the conqueror. The *right* still exists and may be exercised when the offense of the belligerent is so great, the war so unjust, as to deserve punishment.

Halleck, following all other writers, says, page 457:

"Some modern text-writers, Hautefeuille for example, contend for the ancient rule, that private property on land is subject to seizure and confiscation. They are undoubtedly correct with respect to the general *abstract right*, as deduced from the law of nature and ancient practice; but while the general right continues, modern usages and the opinions of modern text-writers of the highest authority have limited this right by limiting the rule of general exemption."

When nations wage war for what they suppose their rights, each party has a right to call the war just. Modern usage then does not sanction the forfeiture of private property on land for purposes of punishment. But when the war is palpably unjust, then Vattel says:

"The whole right of a conqueror is derived from justifiable self-defense, which comprehends the support and prosecution of his rights. When, therefore, he has subdued a hostile nation, he undeniably may, in the first place, do himself justice respecting the object which has given rise to the war, and indemnify himself for the expenses and damages he has sustained by it."

And further, page 389:

"A conqueror who has taken up arms not only against the sovereign but against the nation herself, and whose intention it was to subdue a fierce and savage people, and once for all to reduce an obstinate enemy, such a conqueror may with justice lay burdens on the conquered nation, both as a compensation for the expenses of the war and as a punishment."

In short, the well-established rule is that as a strict right the conqueror can confiscate all the property of the conquered nation; but unless the enemy has engaged in an unjust war requiring punishment, or are a stubborn people requiring severe treatment, the private property on land of individuals is left untouched.

I leave the House and the country to decide whether this is an unjust war, worthy of vengeance; whether the enemy is obstinate and fierce who ought to bear the burdens of the war. If they answer in the affirmative, then the strict right attaches. But in my remarks I did not insist on the execution of the strict right. I thought that the women and children, the non-combatants, and those who were forced by the laws of their State into the armies, should be spared; and the property of the guilty, morally as well as politically guilty, only should be taken. And yet we hear a howl of horror from conservative gentlemen at the inhumanity of the proposition. A band of men, sufficiently formidable to become an acknowledged belligerent, have robbed the Treasury of the nation, seized the public property, occupied our forts and arsenals, severed in twain the best and most prosperous nation that ever existed, slaughtered two hundred thousand of our citizens, caused a debt of $2,000,000,000, and obstinately maintain a cruel warfare. If we are not justified in exacting the extreme demands of war, then I can hardly conceive a case where it would be applicable. England and France compelled China to pay the expenses of the war because they said they were waging a just war. In this, however, the world does not agree with them.

The learned gentleman from Kentucky contends that only the property of the sovereign should be taken. I have conceded that in a war which each party could claim as just such was the modern practice. In responsible or limited monarchies the private property of the king is spared, because it does not belong to the Government, but to the individual who occupies the throne. In many European nations now, however, the law vests such private property in the Crown.

But when a monarch is absolute, when he holds the whole sovereign power, his private property is subject to confiscation according to the most modern construction of the law of nations. In Chitty's Vattel, in note to page 366, it is said:

"In case the territory of a foreign sovereign or a part of it is captured, the sovereign of the conquering State is entitled to all the property there of the conquered sovereign, (Amerchand's case, Knapp's R., 329;) and the same case establishes that there is no distinction in this respect between the public and private property of an absolute monarch."

The gentleman from Kentucky [Mr. WADSWORTH] inquired where the sovereignty was lodged in a republic, and he answered very truly *in the people*. The people are the absolute sov-

ereigns. They act through their representatives and executive officers, but they are the responsible, the absolute sovereigns. Does it not follow as inevitable logic that when they make an unjust war, if conquered, all their property, public and private, is subject to forfeiture? "Whoever takes up arms without a lawful cause can absolutely have no right whatever." (Vattel, 378.) It was on this principle that the Romans took private property. "In wars between republics, the quarrel was in reality the common cause of all the citizens," says Vattel, 388. The war was theirs and the property was theirs. They were the absolute sovereigns, as was well said by the gentleman from Kentucky, [Mr. WADSWORTH.] The confederate States is a republic, however bad may be its citizens. The majority necessarily speaks for all. Their sovereign power have declared war, and all their property is subject to the laws of war. As I have often said, no one advises the execution of the extreme right. But the right exists and ought to be enforced against the most guilty. To allow them to return with their estates untouched, on the theory that they have never gone out of the Union, seems to me rank injustice to loyal men.

The gentleman from Missouri, [Mr. BLAIR,] whose speech contains the distilled virus of the copperhead, who is not present, but has patriotically gone forth to command large armies without a commission, is as unhappy in stating the positions of his opponents as he is in answering the true ones. He says:

"The gentleman from Pennsylvania [Mr. STEVENS] adopts the plan of making the penalty of death and levying a fine and selling in perpetuity the estate of a person *attainted of treason*, accomplishing what a parliamentary attainder did in England."

I said no such thing. On the other hand I said there could be no such thing as attainder under our laws. The Constitution forbids the passing such a bill; and conviction for treason works no such consequence here. I contended for the forfeiture of the property of the rebels as *enemies;* and so is the act of Congress.

He says that the gentleman from Pennsylvania "treated with scorn the idea that States held in duress by the rebel power have any right to look to our laws and Constitution for protection." This is a false statement of my position. If the armies of the confederate States should overrun a loyal State and hold it in duress, that State would have a right to appeal to the Constitution for protection. But a State which by a free majority of its voters has thrown off its allegiance to the Constitution, and holds itself in duress by its own armies, is estopped from claiming any protection under the Constitution. To say that such a State is within the pale of the Union, so as to claim protection under its Constitution and laws, is but the raving of a madman.

To escape the consequence of my argument he denies that the confederate States have been acknowledged as a belligerent, or have established and maintained independent governments *de facto*. Such assurance would deny that there was a sun in the heavens. They have a congress in which eleven States are represented; they have at least three hundred thousand soldiers in the field; their pickets are almost within sight of Washington. They have ships of war on the ocean destroying hundreds of our ships, and our Government and the Governments of Europe acknowledge and treat them as privateers, not as pirates. From whom do privateers get their commissions except from a Power independent either *de jure* or *de facto?* There is no reasoning against such impudent denials.

But not only the member from Missouri, but gentlemen of much more importance deny that the rebel States, so far as they are concerned, are out of the Union. It follows that, being in the Union, they have all the rights of other States. If they have such rights and should come here at the next presidential election and claim them, where does such doctrine lead you to? It leads you into subjection to traitors and their northern allies. If they are in the Union, where are their representatives on this floor? Every one of the United States is entitled to have members here and Senators in the other branch. Where are these evidences of existing States? They are at Richmond, where the Congress of the Union does not sit.

But it is said that the Constitution does not allow them to go out of the Union. That is true, and in going out they committed a crime for which we are now punishing them with fire and sword. What are we making war upon them for? For seceding, for going out of the Union against law. The law forbids a man to rob or murder, and yet robbery and murder exist *de facto* but not *de jure*.

The gentleman, with characteristic modesty, says that those who declare the States outlawed to the Union preach the doctrine of secession as much as Jeff. Davis. Does the man who declares that murder or larceny exists give countenance to those felonies? The one is as reasonable a deduction as the other. If the fiction sometimes used in courts of equity that whatever ought to be shall be considered as existing be true in fact, then the rebel States are in the Union. If the naked facts palpable to every eye, attested by many a bloody battle-field, and recorded by every day's hostile legislation both in Washington and Richmond, are to prevail, then the rebellious States are no more in the Union, *in fact*, than the loyal States are in the confederate States. Nor should they ever be treated so until they repent and are rebaptized into the national Union.

The gentleman from Missouri, fatally bent on mischief, anxious to distract and destroy the Republican party, and to alienate the President from his true friends, that he and his household may reign supreme, proceeds through most of his speech to assail the motives of members of the House, to attack a member of the Cabinet, and allege that the doctrines held by a majority of our friends, of all who went for the repeal of the restraining resolution, were uttered with a view to assail the President and play into the hands of a rival candidate for the Presidency. He speaks of the doctrines proclaimed by the organ of the Treasury Department. Who does he mean? Who is the organ of the Treasury Department here? Sir, I believe there is no such organ among us. But in his insatiable hate he must drag in the name of the Secretary of the Treasury to vent his malignity. I had heard of such assaults before. I do not know what cause of offense the gentleman has against the Secretary. His attack, however, will not prevent the people from giving credit to that gentleman for great ability and unspotted purity of character. Since the days of Alexander Hamilton no abler or honester man ever filled that place. But that gentleman would not thank me for attempting his defense until some more dangerous enemy assails him. He speaks of our attempts to sacrifice the whites to the blacks, to introduce amalgamation of the races and to create negro equality. When the gentleman thus accuses the Republican party he knows that he utters a foul and malignant libel. The Republican party never held such doctrines, never uttered such a wish. I rejoice that in the vote which was taken soon after his speech not a man was found with him who ever belonged to the Republican party. He only was found voting with the hereditary enemies of the Administration. That was right. "He went to his place."

The gentleman speaks of my remarks as an "entanglement of contradiction" and "a catalogue of inconsistencies." As this only touches my capacity for argument, I take no offense at it. The gentleman cannot think more humbly of my abilities than I do myself. When he comes to speak of motives, however, it is a different thing. To show the temper which animated him, I will give a few extracts from his carefully prepared speech. He says:

"No gentleman, either North or South, ever asserted the secession cause so boldly in the forum as the gentleman from Pennsylvania. It looks like an attempt to play into the hands of some rival candidate for the Presidency, who would array a party against the President to drive him to surrender his convictions and break his oath to support the Constitution. I am apprehensive that the gentleman is anxious to saddle the President with the odium of doctrines which are known to be those of rival aspirants for the Presidency. Of a piece with the ingenious but rather disingenuous assault of the gentleman from Pennsylvania on the President is an occurrence which took place in the other end of the Capitol."

When I state that I had made no allusion to the gentleman from Missouri, that I gave no pretext for hostility, I leave the House to discover if it can the motives which dictated such gratuitous attacks.

The gentleman says that the Republicans do not agree with the President on the question of colonization; that he is for the segregation of the races, while we are for leaving them on the soil to cultivate it for wages. In that he is probably correct. There is a difference of opinion among the friends of freedom on that question. But that does not imply hostility to each other. It is a question on which men may honestly differ. I have never favored colonization except as a means of introducing civilization into Africa. Its effect upon slavery was injurious. It was a salve to the consciences of slaveholders and their advocates. As a means of removing the Africans from the country it was puerile. All the revenue of the United States would not pay for the transportation of one half their annual increase. The scheme of colonizing them in South America (which, I believe, was the gentleman's plan) was a very shallow vision. They were averse to removing from their native land; their forcible expatriation would be as atrocious a crime as stealing them in Africa and reducing them to bondage. Five hundred were lately seduced to go to an island near St. Domingo. Such as have not died in six months have been brought back at our expense. I hope this will be the last of the unwise and cruel schemes of colonization which were fostered and procured by the gentleman's advice.

The gentleman cannot conceive that those who advocated the repealing resolution were actuated by patriotic and disinterested motives. He says it is an attempt to play into the hands of some rival who would array a party against the President. Sir, no one but a mousing politician would seek for such motives for the action of members in the discharge of their official duties. If his supposition be true, how few friends the President has in this House is shown by the vote. Not a man of the Republican party can be found recorded among his friends, for they all voted for the resolution. His friends must be sought for on that theory among the respectable copperheads on that side of the House, and the few nondescript allies who went with the gentleman from Missouri. But, sir, the truth is otherwise. The friends of the President and the friends of freedom are the majority who passed that resolution. I will not say that all others are the enemies of freedom, but they are certainly not friendly to the Executive.

None but demagogues incapable of lofty thought would ever have charged on the Republicans the designs imputed to them by the gentleman from Missouri. No other gentleman was found so uncharitable or ungentlemanly as to do it.

As to rival candidates for the Presidency I know of none such. I do not believe that the present discreet Executive has made any movement or expressed any wish for reëlection. I think the same of all the members of the Cabinet. I suppose that no man, whether in or out of the Cabinet, would oppose his wish to the will of the people if they should call upon him to serve. But his appetite for office must be morbid who would covet the presidential chair in these troublesome times unless he believed he could render essential service to the nation.

The charge that these principles are invented to serve a presidential candidate is absurd I held and promulgated precisely the same doctrine in 1861 when there was no thought of the presidential election. I believe now among the people there is entire unanimity. Every man, except the friends of the great Cunctator, believes Mr. Lincoln to be an honest and patriotic man. So far as I have observed they look to him to end this rebellion and extirpate slavery. I do not believe he is in any danger of becoming unpopular through his own acts; nor do I believe that even the constant boast by the gentleman from Missouri and his kindred that they are the especial friends and organs of the President can sink him. If that cannot, certainly nothing else can. I admit that the organization of his Cabinet is not satisfactory to the country. But the people make proper allowance for the difficulties of his situation; they understand how he has probably been deceived, in common with the Republican party, by the apostacy of men who had his and his party's confidence. The people regret the malign influence which has ostracized one at least of our ablest and purest major generals. If they believed that his next Cabinet would contain men who denounced the ultra-Republican or anti-slavery party as seeking to

"make a caste of another color by amalgamating the black element with the free white labor of our land, and would make the manumission of the slaves the means of infusing their blood into our whole system by blending with it *amalgamation, equality, and fraternity*," (see Rockville speech,) while it might possibly not defeat him and overcome his well-earned fame, it would certainly jeopardize more than one loyal State. It is right to warn the President that the people will not suffer such vile, false, and malignant libels upon themselves, upon all the true friends of freedom, to be uttered and reiterated in the name of the President by those who claim to be his friends *par excellence*, and see such claim repudiated by no signal act, without expressing their indignant rebuke.

It gives me little concern to see my views or myself severely criticised. But it does give me uneasiness to see such foul assaults made upon perhaps the most important member of the Administration. I cannot help seeing that if anything can defeat the friends of the Union and give the ascendency to those with whom the gentleman has cast his lot, it is the course pursued by him in stealing the mantle of the President and stabbing his friends in his name.

I have said that the roughest criticisms of my principles can never offend me. But personalities are always unpleasant. I have made it the rule of my public life never to begin a personal controversy; but I did not see how I could permit so wanton, unprovoked, and malignant an attack to pass unnoticed.

In the midst of these perplexities and personal bickerings, there is a compensating pleasure in witnessing the rapid march of correct ideas; in beholding the dawn of the day of universal liberty. The House has already established the fundamental principle for which I contended.

Some weeks since it passed without division the following resolution:

"*Resolved*, That the present war which this Government is carrying on against armed insurrectionists and others banded together under the name of 'southern confederacy,' was brought on by a wicked and wholly unjustifiable rebellion, and those engaged in or aiding and encouraging it *are public enemies, and should be treated as such.*"

This is the doctrine for which I have been contending. The "confederate States" being declared *a public enemy, engaged in a public war*, all the consequences which I sought to establish follow as an inevitable corollary. It gives me enhanced pleasure that the resolution was proposed and offered by the able and gallant gentleman from Ohio, [Mr. SCHENCK,] the chairman of the Committee on Military Affairs. I have lived to see the triumph of principles which, although I had full faith in their ultimate success, I did not expect to witness. If Providence should spare me a little longer, until this Government shall be so reconstructed that the foot of a slave can never again tread upon the soil of the Republic, I shall be content to accept any lot which may await me.

Mr. STROUSE. Mr. Speaker, I do not clearly understand what is meant by "reconstruction," but I do know that some immediate healing panacea is demanded of those who have sworn to be the defenders and protectors of the Union, or the "Union" will exist only in theory, or as a matter of the past, and never again in fact.

The act of secession of the southern States was pronounced as treason by jurists and statesmen; and when the rebellion first assumed shape and form by its armed hosts in the field to make war upon the Government of the United States, the people of the North, with one voice and in general accord declared against this most wicked and monstrous outrage. Men of all parties, of all sections, from all localities, went forth to maintain and defend the Union and the Constitution, to preserve and uphold the integrity and entirety of our Government. No conscription act was necessary then; no forced draft was required to raise an army to bear aloft the flag of the Union against secessionists and traitors. No bounties and extra pay and extraordinary inducements were wanted to obtain volunteers for the Army of the Republic. But, Mr. Speaker, "*tempora mutantur, et nos mutamur in illis.*" It is scarcely three short years that the citizens of the North, the East, and the West, singly, in companies, and in battalions, applied willingly, urgently, and most patriotically to the authorities to be permitted to enter the military service in defense of the old flag. No extraneous inducement or mercenary stimulus was needed to arouse the patriotism of the people to rush to the tented field. Men of all classes, of all climes, of all creeds, of all conditions, the citizens by birth and the citizens by adoption, left the peaceful walks and avocations of life at the first blast of the clarion of war.

How is it now? Why this marvelous change? What has wrought this apathy and indifference, this positive aversion in the minds of men to volunteer? The rebellion still exists. The enemy, armed and equipped, is still at our door. Many towns, forts, and public places are still in the hands of the rebels. The authority of the United States is still defied and ignored. The strife, which was then confined to a narrow circle, has assumed the vast proportions of the greatest war of ancient or modern times. Are the American people less patriotic in 1864 than they were in 1861? Have we not the same prize at stake, and is not the country still in great danger of dismemberment? Surely there is yet much danger, and we must not underrate the enemy's strength nor doubt his prowess. I would ask, then, why is it that almost every man in the community fit for military duty is devising "ways and means" to avoid the draft? Certain it is, that some great change has come over the spirit of the dreams of the people. That change, sir, is founded on the fact that the war has been, and is now, perverted from its original object. Independent of and apart from all the "pomp and circumstance" attending the reënlistment of the brave and gallant veterans and the volunteering of men under the liberal operation of national, State, and local bounties, it cannot be denied that the eager desire of the citizens to join the Army, freely and voluntarily, exists no more. The House of Representatives in 1861, immediately after the first Bull Run disaster, almost unanimously resolved,

"That this war is not waged in any spirit of oppression, or for any purpose of conquest or subjugation, or purpose of overthrowing or interfering with the rights or established institutions of these States, but to defend and maintain the supremacy of the Constitution and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired, and that as soon as these objects are accomplished the war ought to cease."

This, Mr. Speaker, was statesmanship. This was the talisman that aroused our people to renewed energies and efforts. The solemn declaration of the popular branch of Congress that the purpose of the war was solely to defend and maintain the supremacy of the Constitution and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired, made us a band of brothers in the North, and held out strong hopes of relief to the suffering Union men of the South. There was no division of opinion among the men of the North at that time, whatever their previous political predilections may have been. So many volunteers offered their services during the autumn of 1861 that the chairman of the Military Committee of the Senate declared that recruiting and volunteering must be stopped. This rush to arms by the patriotic citizens who left all home comforts, parents, wives, children, occupation, everything behind them, was in pursuance of the sublime declaration I have just quoted. Other and further assurances were given by Mr. Lincoln, by members of his Cabinet, and by high officials in the confidence of the President, that the laws and local institutions of the States should remain unimpaired.

Is it necessary to prove that the plighted faith of the Administration in this matter has been most wantonly violated and disregarded? It is patent to all that the object of the war has been perverted from its original, lawful, and constitutional purpose to that of the abolition of slavery, the confiscation of the property of the southern people, guilty or innocent, the subjugation of the white citizens of the South, the obliteration of State lines, and the reduction of the States or sovereign Commonwealths to territorial lands to be parceled out and to be held as allodial estates by traveling "loyal-leaguers," strong-minded females, and the horde of sycophants and flunkies of our "wise and beneficent" Administration. The flagrant violations of the fundamental law of the land, the substitution of proclamations and orders in place of constitutional enactments, the utter disregard of the rights of the Union men South, and the wrongs and injuries inflicted on law-abiding citizens of the North, have produced their painful results. We have no peace yet! We have thousands of our best and bravest men slain, thousands of destitute and sorrowing widows, thousands of poor and unprotected orphans, thousands of maimed and invalid men. We have sorrow, suffering, and ghastly want in many, many once happy and prosperous homes; we have a distracted and devastated country; we have a diminished and disturbed commerce; we have irredeemable paper promises in place of the lawful coin of the United States; we have exorbitant prices for every article used by the poor man; we have a national debt of such magnitude, the contemplation of which must appall the heart of every man, except courtly officials, shoddy contractors, and swindlers. We have something more which the good people of this once happy land will not forget, nor their children's children. I mean taxes. It is said that a national debt is a national blessing. If that be so, no people were ever blessed as we are, and it must be consoling that this blessing increases at the rate of $2,000,000 per day. Notwithstanding the frightful condition of our financial affairs, and the impending crash in commercial circles, we are cheeringly informed by the stipendiaries and "Swiss-guards" of the Administration that "we are all prosperous; money is plenty, and everybody is doing well." I will not insult the House of Representatives by discussing this soap-bubble of seeming prosperity. One thing is certain, our heirs-at-law will all inherit—taxes.

Notwithstanding the strength of the rebellion and the desperation of the leading rebels, we would have had peace, ay, a lasting and honorable peace, with all the States restored and true in the Union, if the Constitution, the organic law, in all its sections and articles had been kept inviolate. It was the duty of the Administration to develop and foster the Union sentiment which undoubtedly existed in every seceded State. Not only was it a duty but the very best policy to convince the true Union men of the South that we wage no war for conquest nor for subjugation nor for the emancipation and taking away of their chattels, known in the South as negroes and in Abolitiondom as sweet-scented American citizens, but solely and only to enforce the laws made in pursuance of the Constitution. The acts of the last and of the present Congress, the proclamations and orders of the President, and the general policy of the Administration, have, in my judgment, dispelled all hope of a reunion so long as this policy is adhered to. It has made rebels of those who were well disposed toward us before. What is to be done? What remedy is there at hand? We cannot exterminate this nation of eight million free white men, nor can we hold them in peaceable subjection or in a provincial condition. The history of Ireland, Venetia, Algeria, Hungary, and Poland is the best evidence of the impossibility of affiliating a hostile people with their conquerors. We cannot repeat the atrocities, destruction, and devastation of the Thirty Years' War or the Seven Years' War in continental Europe, the fruits of which, after peace was obtained through the exhaustion of the peoples, are described by the historian as "a country wasted by fire, sword, and plague; a scene of desolation and disorder; a bad currency; a deficiency of laborers, and great want. The art of war was the only thing that gained anything." We want no such trophies.

This Administration ought to retrace its steps and return to the monumental tree of the Constitution as its landmark. In the first place, Mr. Lincoln must divest himself of the fallacy that he is the Government. The Government of the United States is a representative democracy, having for its base the Constitution, the *lex scripta*, which, as the supreme law, governs the three coordinate branches, to wit, the legislative, the judicial, and the executive. The Administration consists of the persons elected by the people under the Constitution and laws to manage and administer the affairs of the country. The framers of the Constitution never intended to make the President and his Cabinet "the Government." On the contrary, they have clearly defined the powers and duties of the officers as administrators of the laws enacted by the representatives of the people. In absolute monarchies, where no written

law exists, where the divine right of kings is acknowledged, where the idea that "the king can do no wrong" is still upheld, the reigning monarch may well be styled "the Government." There the emperor, the czar, or the king, in his own person, is, and represents, the Government. He makes laws by imperial or royal decrees, proclamations, and orders; the people, subjects or plebeians, must obey the peremptory mandate of the one who titles himself "We, by the grace of God!" The laws of the United States, in pursuance of the rights and grants in the Constitution, are enacted by the national Legislature, interpreted and expounded by the Judiciary, and executed by the President and his legally appointed officers. The incontrovertible fact that the officers of the Government are the servants of the people, carries with it the undoubted right to criticise the acts and conduct of our servants whom we have temporarily clothed with limited power. The subordinates of this Administration, acting under "orders," dispute the right to discuss the course and policy of the Administration, and designate every expression of disapprobation as "disloyal practices." In this they are sustained by the leading men of a mongrel party, who are now arrayed against the Constitution and against the maintenance and supremacy of the civil law.

We have had numerous instances of illegal and arbitrary arrests, imprisonments, banishments, suppression of public newspapers, and other tyrannical acts committed against the constitutional rights of the citizen by petty despots of accidental power under the usurper's plea of "military necessity." The doctrine is put forth that "*inter arma leges silent*"—the laws are silent in the midst of arms. Now, whether this is considered as a civil war or as a public war; whether the secessionists are rebels in arms or belligerents, the laws need surely not be silent in the peaceful northern and western States, or, as the new lexicographers term them, the "loyal States." There is no war raging in the eastern, northern, middle, or western States. Why should the law be silent? Why should the citizen be arrested without probable cause? Why deny the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed? Why suspend the prerogative writ of *habeas corpus*, the bulwark of the citizen's liberty, grantable under the Magna Charta of England, and under the Constitution of the United States, *ex debito justitiæ*? It is because the public expression of opinion of the conduct of the war to suppress the rebellion is distasteful to the Administration. It is because the Democracy do not approve of the course of our rulers to abolitionize this country and carry on the war for the pecuniary and political benefit of abolition politicians, Army contractors, servile office-holders, mushroom generals, and a brood of abject demagogues and toadies who sing the loyal-league psalms and shout hosannas for the Government and their aromatic brethren and sisters. These are the people—venal and corrupt—who traduce and malign the law-abiding, honest Democratic citizens, whom they in their self-righteousness and loyal zeal are pleased to designate as "secessionists," "sympathizers," and sometimes "traitors." The latter term, however, only when they are two to one!

The Democrats are with heart and soul in favor of restoring the seceded States to their former status, and establishing again what we have had for eighty years, "a more perfect Union." We are in favor of quelling the rebellion for the purpose of preserving the Constitution intact, and grant to the several States their rights and privileges, as they enjoyed them before the rebellion, and to which as commonwealths in themselves they are entitled. We are opposed to waging war for the purpose of equalizing the negro with the white man, and we are opposed to shedding the white man's blood, beggar and devastate the country to satisfy the insane and unnatural demands of the abolition hypocrites of New England or the humanitarian bigots and fanatics of old England. We deprecate the abolition idea of negro equality and the consequent commingling of the Ethiopian with the pure Saxon and Celtic blood. We believe the President's schemes of emancipation and confiscation as expressed in his proclamations to be gross infractions of the Constitution which he swore to support and defend, and from which no sophism of "war power" can absolve him. For this lawful opposition to the unconstitutional acts of the party in power we are called "disloyal." Well, Mr. Speaker, if this is an evidence of disloyalty, then there are upward of a million and a half of free white citizens in the North who are very disloyal according to the translation of that foreign word "loyal" by the Jacobins of Americs. The Democracy revere the Constitution and acknowledge it in all its parts as the supreme law. We cheerfully obey the laws of the Federal Government and of the States, but we do not believe in that "higher law" which pronounces the Constitution made by the fathers and founders of the Republic "a covenant with death and an agreement with hell." It is a right and privilege to canvass the acts of our public men and to criticise the conduct of those whom the people have placed in power.

This inherent and fundamental principle of the American citizen is now attempted to be denied by the abolition saints, of whom the sage and patriot Henry Clay more than twenty years ago expressed his opinion as follows:

"With them [the abolitionists] the rights of property are nothing; the deficiency of the powers of the General Government is nothing; the acknowledged and incontestable powers of the States are nothing; the dissolution of the Union and the overthrow of a Government in which are concentrated the hopes of the civilized world are nothing. A single idea has taken possession of their minds, and onward they pursue it, overlooking all barriers, reckless and regardless of all consequences."

Recent events and daily occurrences prove how true, how prophetic, were the words of Kentucky's lamented statesman.

Mr. Speaker, time will not allow me to speak at length of the causes of the war; it suffices to say, what history has already proved, that the fell fanaticism of the North, the ambition for office, the lust for power, and the hereditary hostility of the descendants of the Mayflower cargo to liberal principles and democratic sentiments have brought this great calamity upon us.

The constant clamor against slavery, a subject with which the people of the North had nothing whatever to do; the preachings of the "irrepressible conflict" and the doctrine that "the nation cannot exist half slave and half free," (when in fact we had existed happily and prosperous for eighty years,) superinduced the acts of secession, rebellion, violence, and bloodshed. The originators and instigators of this most unnatural and fratricidal war are now the most "loyal" men in the land. They not only occupy the fat offices and places of emolument, but are even the high priests in the grand abolition sanhedrim, pure, undefiled, and godlike. Yes, the men who for years before there was any rebellious outbreak were offering resolutions and presenting petitions in Congress for the dissolution of the Union; who wanted "no fellowship with slaveholders," although willing to fit out ships to engage in the slave trade for a valuable consideration; who were willing to "let the Union slide," long before Jeff. Davis & Co. thought of sliding, have suddenly transmuted themselves into the most intense Union men and devout patriots, and pharisaically denounce all others, who do not as they do, as disloyal and anti-Union.

While I condemn and denounce secession and hate the very idea of a dissolution of the Union as much as any man in the land, I cannot shut my eyes to the great fact that the constant agitation of the subject of slavery by the abolitionists is the first and prime cause of secession and all its horrible consequences. It is true that for many years the abolition party *per se* was insignificant in numbers, and no danger was apprehended from its ravings and dangerous doctrines; but slavery was a hobby for the opponents of the Democratic party to ride, and, by a grand combination of all the remains, fragments, and *debris* of the defunct political clans, to overthrow the Democracy and the Republic. The one is identical with the other. There can be no republican form of government, no representative democracy such as ours, without the principles of democracy as the corner-stone.

We have had an anti-Union, anti-democratic party, an aristocratic party opposed to equal rights and the obligations of the Constitution, from the time of the formation of the Union to the present day. The democratic sentiment established the Republic and maintained it until the present sectional conglomeration came into power. Democracy is ever the same; it has not changed and is not changeable in principle or in name. The Opposition is classified historically in the following order:

In 1775, Loyalists, or loyal to King George, or Tories.
In 1776, Loyal Tories.
In 1780, Nova Scotia Cow-Boys and Tories.
In 1786, Convention Monarchists.
In 1789, Black Cockaders.
In 1808, Anti-Jefferson Improvement Men.
In 1811, British Bank Men.
In 1812, Peace and Submission Men.
In 1813, Blue Lights.
In 1814, Hartford Conventionists.
In 1816, Washington Society Men.
In 1818, No-Party Men.
In 1819, Federals.
In 1820, Federal Republicans.
In 1826, National Republicans.
In 1828, Anti-Masons.
In 1834, Anti-Masonic Men.
In 1836, Conservatives.
In 1837, Independent Democratic Whigs.
In 1838, Abolitionists.
In 1839, Log Cabin, Hard Cider, Democratic-Republican Abolition Whigs.
In 1843, Native American Whigs.
In 1844, Coon Party, or Anti-Annexation Whigs.
In 1845, The Whig Party.
In 1846, Mexican Whig Party.
In 1847, Anti-Mexican-War Party.
In 1848, Rough and Ready Party.
In 1850, Clay Whig Party.
In 1852, Scott Whigs.
In 1854, Know-Nothings.
In 1855, Native Americans.
In 1856, Frémonters, or Abolitionists and Know-Nothings.
In 1857, Black Republicans.
In 1859, Opposition and People's Party.
In 1860, Wide-Awakes Cap and Cape Party.
In 1862, No PARTY.
In 1863, Union-League-No-Party-Emancipation-High-Taxation-Centralization-Confiscation-Negro-Equalization-Usurpation-Abolition-Administration-Party.
In 1864, Miscegenationists.

What it will be next spring has not yet been announced by the "white spirits and blue; the gray spirits and black."

I charge that abolitionism is the cause of the war. We had lived happy and content for eighty years. The citizen of Maine was welcome in Louisiana. Our political union and good-fellowship produced their natural and beneficial results. We prospered as a nation as no people prospered before on the face of the earth. The valuable southern products furnished the cargoes for our ships, materials for our factories, and wealth to our people of all sections, and through which our country became one of the great commercial and maritime Powers of the world. The southern people were willing to confine themselves to the peaceful pursuits of agriculture, willing and glad to exchange commodities with us, and in no instance did any southern statesman interfere or attempt to interfere in the institutions and affairs of the North. They conceded to us the manufacturing and carrying trade of the whole country, and willing that we should enjoy prosperity and wealth in common with them, but they demanded that the behests of the Constitution, the articles of our partnership, should be strictly observed, and that the obligation of the original contract should not be impaired. They wanted no interference in their local institutions on the part of the North, no intermeddling with slavery, a system of labor which existed before the Revolution, and which was an undenied right and colonial establishment at the time the colonies became States, and the States formed the Union. Have we fulfilled our part of the original *pactum*? Have we stood by the great contract, the original covenant, when the partnership was entered into by South Carolina and Massachusetts, Virginia and New York? We have not. The North for years has preached from the text, "no Union with slaveholders," and "the Union cannot exist half slave and half free." I have never heard any explanation of this proposition why the Union could not

continue so to exist after a prosperous and glorious existence for upwards of eighty years.

After the thorough organization of the remnants and fag-ends of all the political clans and tribes, and the founding of a systematic anti-slavery party, eight or ten years ago, the attacks on the South and southern institutions were commenced. In the pulpit, the forum, the halls of justice, the school, the stump, everywhere, anywhere, were the anathemas hurled against slavery and slaveholders. My allotted time will not allow me to quote the opinions, writings, and teachings of the leading abolitionists and politicians for many years back; but I will confine myself to a few of the saints of the latter days—to the shining lights who were the immediate instruments of dissolution and destruction, and who now, singularly enough, are baptized as "Union men." In 1857 an individual by the name of Helper, who was compelled to leave North Carolina, his native State—not for stealing *negroes*—and who is now an office-holder as a reward for his services, published the book entitled The Impending Crisis. This book recommended direct warfare on southern society, "be the consequences what they might." This book was adopted as the campaign document of the Republican party, and its infamous teachings indorsed by sixty-eight Republican members of Congress, and by all the prominent leaders of the party.

I will make a few quotations from the Alcoran of the modern Ishmaelites, showing the piety, purity, and patriotism of abolitionism:

"1. We unhesitatingly declare ourselves in favor of the immediate and unconditional abolition of slavery."—Page 26.

"2. We cannot be too hasty in carrying out our designs."—Page 33.

"3. No man can be a true patriot without first becoming an abolitionist."—Page 116.

"6. Slaveholders are more criminal than common murderers."—Page 140.

"7. All slaveholders are under the shield of a perpetual license to murder."—Page 141.

"8. It is our honest conviction that all the pro-slavery slaveholders, who are alone responsible for the continuance of the baneful institution among us, deserve to be at once reduced to a parallel with the basest criminals that lie fettered within the cells of our public prisons."—Page 158.

"9. Were it possible that the whole number [of slaveholders] could be gathered together and transferred into four equal gangs of licensed robbers, ruffians, thieves, and murderers, society, we feel assured, would suffer less from their atrocities than it does now."—Page 158.

"10. Once and forever, at least so far as this country is concerned, the infernal question of slavery must be disposed of. A speedy and absolute abolishment of the whole system is the true policy of the South, and this is the policy which we propose to pursue."—Page 121.

"WE UNFURL OUR BANNER TO THE WORLD.

"Inscribed on the banner which we herewith unfurl to the world, with the full and fixed determination to stand by it or die by it, unless one of more virtuous efficacy shall be presented, are the mottoes which, in substance, embody the principles as we conceive should govern us.

"*The Mottoes on Our Banner.*

"1. Thorough organization and independent political action on the part of non-slaveholding whites of the South.

"2. Ineligibility of slaveholders; never another vote to the trafficker in human flesh.

"3. No coöperation with slaveholders in politics; no fellowship with them in religion; no affiliation with them in society.

"4. No patronage to slaveholding merchants; no bequest to slave-waiting hotels; no fees to slaveholding lawyers; no employment to slaveholding physicians; no audience to slaveholding parsons.

"5. No recognition of pro-slavery men except as ruffians, outlaws, and criminals.

"6. Immediate death to slavery, or, if not immediate, unqualified proscription of its advocates during the period of its existence."—Pages 155, 156.

"7. Thus, terror-engenderers of the South, have we fully and frankly defined our position; we have no modifications to propose, no compromises to offer, nothing to retract. Frown, sirs, fret, foam, prepare your weapons, threat, strike, shoot, stab, bring on civil war, dissolve the Union, nay, annihilate the solar system, if you will—do all this, more, less, better, worse, anything—do what you will, sirs, you can neither foil nor intimidate us; our purpose is as firmly fixed as the eternal pillars of heaven; we have determined to abolish slavery, and, so help us God, abolish it we will."—Page 187.

This language, so amiable and fraternal in its character, was very much calculated to cement the bonds of union between North and South. No one but an idiot could help foreseeing the inevitable consequences of such declarations and threats. We have the opinions and counsels of the great abolition captains by the hundred; a few extracts will suffice to show the general tenor, intent, and purpose.

Opinion of A. Lincoln, President of the United States:

"I believe this Government cannot endure permanently half slave and half free."

Cassius M. Clay, the present minister of the United States in Russia, expressed himself thus:

"Our Legislatures, State and Federal, should raise the platform upon which our free colored people stand; they should give to them full political rights to hold office, to vote, to sit on juries, to give their testimony, and to make no distinction between them and ourselves. The instrument called the Constitution, after pronouncing all men equal and having equal rights, suffers slavery to exist, a free colored person to be denied all political rights, and, after declaring that all persons shall enjoya free intercourse with the States, suffers the free negro to be driven out of all, and excluded from such rights. Deliver me from such an instrument thus partial, thus unjust, that can be thus perverted, and made to sanction prejudices and party feelings, and note the accidental distinction of color."

Wendell Phillips, a bishop in the abolition church, gave his honest opinion in the following style:

"No man has a right to be surprised at this state of things. It is just what we [abolitionists and disunionists] have attempted to bring about. It is the first sectional party ever organized in this country. It does not know its own face and calls itself national; but it is not national—it is sectional. The Republican party is a party of the North pledged against the South.

"No act of ours do we regard with more conscientious approval or higher satisfaction, none do we submit more confidently to the tribunal of Heaven and the moral verdict of mankind, than when, several years ago, on the 4th of July, in the presence of a great assembly, we committed to the flames the Constitution of the United States."

I could cite similar language from the speeches and writings of hundreds of the leading men of the Republican-abolition party, but it would only be cumulative evidence of facts that cannot be controverted. I ask reasonable men, honest, unprejudiced men who love their country, and who can look on the present and the past condition of the Republic, whether the conduct of the abolitionists was not the cause of the secession of the southern States. We all remember the acts and deeds of John Brown, the murderer and thief, and how he was canonized by the fanatics of the North because he was hanged for crime. Of him the present Governor of Massachusetts, John A. Andrew, spoke as follows:

"John Brown and his companions in the conflict at Harper's Ferry, those who fell there and those who are to suffer upon the scaffold, are victims and martyrs to an idea. There is an irrepressible conflict [great applause] between freedom and slavery as old and as immortal as the irrepressible conflict between right and wrong. They are among the martyrs of that conflict. John Brown was right. I sympathize with the idea, because I sympathize with and believe in the eternal right. They who are dependent upon him and his sons and his associates, in the battle of Harper's Ferry, have a right to call upon us who have professed to believe or who may have, in any manner or measure, taught the doctrine of the rights of man, as applied to the colored slaves of the South, to stand by their bereavement. We are to-night in the presence of a great and awful sorrow, which has fallen like a pall upon many families whose hearts fail, whose affections are lacerated, and whose hopes are crushed, all of hope left on earth destroyed by an event which, under the providence of God, I pray will be overruled for that good which was contemplated and intended by John Brown."

After all this, who, I ask, is responsible for southern secession, bloodshed, ruin, and desolation? This war, civil war, internecine war, bloody, desperate, and unnatural as it is, is the *effect* of the abolition *cause*.

The abolitionists were the original anti-Union men, a fact that admits of no denial; and when we hear the howlings now for a restoration of the Union by the men who have destroyed it, they simply mean the abolition of slavery, extermination of the white population South, and propagation of a Yankee colony, with the negroes as vassals to raise cotton, rice, sugar, and tobacco for the benefit of the modern Vandals and Goths who claim title under the confiscation act.

The Union is broken! How can we restore it? How reconstruct? How again reunite the North and South? By a vigorous prosecution of the war? The war has lasted for three years; it has been vigorous. We have an immense Army and a powerful Navy, brave men and good commanders, and we are still drafting and recruiting for the further vigorous prosecution of the war. How long shall this continue? We cannot subjugate nor conquer the South in the sense in which these terms are usually applied and understood. War will make no Union, no fellowship, no fraternity. The feeling of the South is bitter, the hearts of the people alienated and estranged from us, and hence the desperation with which they resist in behalf of their homes, their lands, and their institutions. Unless the illegal steps taken by our rulers are retraced, unless the Constitution is adhered to, and all arbitrary proclamations and orders recalled, and unconstitutional legislation repealed, the southern people assured that they can have equal rights with us in the Union; in short, unless the olive-branch accompanies the sword we will never again have a Union. It is a sad spectacle to contemplate; but so it is. This once great and happy country, established by the blood and sufferings of noble patriots of both hemispheres, whose proud flag waved in the most distant breeze, this glorious fabric of Heaven-inspired men, this magnificent Republic, truly the asylum of the oppressed of all lands, is suddenly and violently rent asunder and destroyed by the degenerate sons of those who were born and reared under its protecting banner of liberty.

The remedy is with the people. Let the great and honest yeomanry of the land, the farmers, the mechanics, the miners, the laborers, all classes who work for their living and earn their daily bread by the sweat of their brow, rise in their strength and in their majesty as freemen, and come to the rescue of imperiled liberty! Thank God! the ballot-box still exists, and although infringed on in many parts of the country we have yet the power to protect the sacred urn from the janizaries and satraps of modern despotism. Place statesmen at the head of the Government; men free from bias, fanaticism, and treason, who will administer the laws impartially and constitutionally. If this is not done, if the people will continue the present party, with its avowed anti-Union policy, in power, then no man born can foretell the sad fate of this country. The angel of liberty may, from on high, point to the land from the St. Lawrence to the Gulf, and mournfully exclaim, This was the Republic of the United States!

Mr. CRAVENS. Mr. Speaker, I have had neither inclination nor ambition during this session of Congress for participating in general debate. On the contrary, I have preferred to remain silent and to record my vote on the merits of each question as presented to the House for action. And to-day, if I could satisfy my mind that I had faithfully performed my duty to my constituents and to my country by remaining longer silent, I should most cheerfully do so. I feel, however, that something more is required at my hands, and I shall proceed to state briefly my views on some of the questions at issue before the country. I am aware that whoever attempts to warn the people of approaching danger, or opposes the wild and revolutionary policy of those who are controlling the affairs of the nation at this time, subjects himself to the charge of disloyalty and treason. With that class no distinction is recognized between fidelity to the Government and fidelity to the Administration. I acknowledge my obligations to the former, to the latter I do not; and charges coming from that quarter will not be likely to deter me from expressing my opinions freely upon questions of public policy. I acknowledge in the fullest sense all the responsibilities that belong to my position as a member of this body, and I shall observe the strict rules of decorum in what I have to say.

On taking my seat here as a member of this House, I took upon myself a solemn oath to support the Constitution of the United States. I took that oath without any mental reservation, and I shall to the best of my ability keep it sacred and inviolate.

The Democratic party, of which I am an humble member, and whose principles I indorse, has raised the banner of the Constitution and the Union, and we are determined to defend it against whoever may oppose, come the opposition from what quarter it may. Sir, in this dark hour of tempest and storm there is no hope or safety for us as a nation but in strictly adhering to the letter and spirit of the Constitution. Depart from that bond of union, and we may prepare to reap the consequences—anarchy first, and then despotism. It is no part of my purpose to inquire who is most to blame for the inauguration of the bloody and desolating civil war in which the nation is now unhappily involved. We are called upon to deal with the facts as they exist; to find the road

that will lead us through our great troubles, and at the same time save the Union and preserve to us the blessings of civil and religious liberty as we have hitherto enjoyed them. Show me that path, and I am ready to move at once upon it. When passion, prejudice, and fanaticism have run their wild course, and reason resumes her throne, then and not until then will we be able to realize to their full extent the blunders that have been committed in this great struggle for national life.

I am of the opinion that this cruel war would have been ended and the Union would have been restored if the abundant means that have been furnished by a patriotic people to the Government had been honestly and wisely applied, and if the Administration had rigidly adhered to the policy avowed in the beginning of the war. But the means furnished by the people have not been wisely or honestly used, and the Administration has entirely changed the policy of the war.

In the beginning of the war the policy was to put down armed rebellion and restore the Union under the Constitution, leaving all the States in the full possession and enjoyment of all their constitutional rights. That this was well understood to be the object of the war when it was commenced, there is, I presume, no one to question.

If there should be, I will call the attention of such to a few facts that have now gone into history, and that will be considered important by whoever may in after times desire to examine the principles for which this great struggle was made on our part.

Mr. Lincoln in his inaugural address, under all the solemnities of an oath and after several States had passed ordinances of secession, and had organized a government and had raised a military force to defend it, said:

"I have no purpose, directly or indirectly, to interfere with the institution of slavery in States where it exists. I believe I have no lawful right to do so. I have no inclination to do so. That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment, exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depend."

In order that other nations might fully understand and comprehend the true nature of the struggle in which we were about to engage, and to secure the good opinion and sympathy of all Europe, Mr. Lincoln, through his Secretary of State, caused to be sent instructions to our foreign ministers, in which the following passages occur.

Under date of April 10, 1861, Mr. Seward wrote to Mr. Adams, the American minister to England, and in his official instructions to him spoke as follows:

"You will indulge in no expressions of harshness or disrespect, or even impatience, concerning the seceded States, their agents or their people; but you will, on the contrary, all the while remember that those States are now, as they always heretofore have been, and notwithstanding their temporary self-delusion they must always continue to be, equal and honored members of this Federal Union; and that their citizens, throughout all political misunderstandings and alienations, still are and always must be our kindred and countrymen."

On the 22d day of April, 1861, Mr. Seward, writing to Mr. Dayton, our minister at the court of the Emperor Napoleon, and treating of the subject of the present rebellion, said:

"I need not further elaborate the proposition that the revolution is without a cause: it has not even a pretext. It is just as clear that it is without an object. Moral and physical causes have determined inflexibly the character of each one of the Territories over which the dispute has arisen, and both parties after the election harmoniously agreed on all the Federal laws required for their organization. The Territories will remain in all respects the same whether the revolution shall succeed or shall fail. The condition of slavery in the several States will remain just the same whether it succeed or fail. There is not even a pretext for the complaint that the disaffected States are to be conquered by the United States if the revolution fail; for the rights of the States and the condition of every human being in them will remain subject to exactly the same laws and forms of administration whether the revolution shall succeed or fail. In the one case the States would be federally connected with the new confederacy; in the other they would, as now, be members of the United States; but their constitutions and laws, customs, habits, and institutions in either case will remain the same.

"It is hardly necessary to add to this incontestable statement the further fact that the new President, as well as the citizens through whose suffrages he has come into the administration, has always repudiated all designs whatever and whenever imputed to him and them of disturbing the system of slavery as it is existing under the Constitution and laws. The case, however, would not be fully presented if I were to omit to say that any such effort on his part would be unconstitutional; and all his actions in that direction would be prevented by the judicial authority even though they were assented to by Congress and the people."

These official declarations had the effect to quiet in some degree the public mind at the North, and prepare it for the contest.

The period for compromise that would have avoided the war had been permitted to pass, by the Republican party then in power refusing to adopt the resolutions known as the Crittenden compromise. Mr. Davis, then a Senator of the United States, and now the president of the southern confederacy, said in his place in the Senate that these resolutions, although they did not embrace all the South had a right to demand, yet as a measure of adjustment would be accepted by that section. Mr. Douglas in the Senate charged that if we failed to adopt measures of adjustment, by which alone war could be avoided, the sole responsibility of the defeat of those measures would rest with the Republican party, and he asserted most emphatically that the Democratic party in the House and in the Senate were ready and willing to do their part in adjusting those questions of national trouble which he plainly saw must end in a rupture between the North and the South without a settlement. The records of the Senate and the House will show that the Republican party refused their consent to those measures, and war was the consequence. War was foolishly and wickedly commenced by the rebels firing on Fort Sumter, in Charleston harbor. The President called for seventy-five thousand men to defend the capital, and for other purposes. The loyal States furnished them promptly. Congress was convened in extra session in July, 1861. During that session, on the 20th of July, the first great battle of the war was fought at Bull Run, in Virginia, a short distance from this city. Our Army was defeated; routed and demoralized it returned to Washington on the 21st, but little better than a mob. To prepare for the great struggle in which we were fairly embarked, and to unite the people, and to leave nothing doubtful or conjectural as to the objects for which the war was to be prosecuted and when it should cease, amidst the gloom of that sad day on which the fragments of our Army wandered about the streets of this city, Mr. Crittenden, a wise and patriotic statesman, submitted to the House this resolution, which was adopted with great unanimity by both branches of Congress:

"*Resolved*, That the present deplorable civil war has been forced upon the country by the disunionists of the southern States, now in arms against the constitutional Government, and in arms around the capital; that in this national emergency Congress, banishing all feeling of mere passion or resentment, will recollect only its duty to the whole country; that this war is not waged on their part in any spirit of oppression, or for any purpose of conquest or subjugation or purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution, and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; and that as soon as these objects are accomplished the war ought to cease."

This resolution was adopted by a vote of 30 to 5 in the Senate, and by 117 to 2 in the House of Representatives.

This action of Congress, without respect to party, had a happy effect in uniting the people. Nor was the President idle in his efforts to satisfy the public mind on the subject, for to the clergymen who importuned him to issue a proclamation of emancipation to all the slaves he replied that a proclamation of that kind would have about as much effect as the Pope's bull against the comet. He revoked the proclamations of generals and removed them from their respective commands because they had attempted to liberate slaves in contravention of his avowed war policy.

This fair understanding between the Administration and the people left no alternative but to be for or against the Union, and to be for the Union it was essential to break the force of armed rebellion. The appeal was made to every friend of the old Government by all the cherished memories of the past and the bright hopes of the future. All party distinction was to be ignored, and he was branded as wanting in patriotism who was unwilling to lay aside his party prejudices and join in the great cause of restoring the Union. No people ever loved their Government as ours did, and no people ever had the same cause to love a Government. It was therefore easy to unite them in its defense. No sacrifice at that time was considered too great to be made for the cause of the Union. The father gave his first-born, and the widow her only son. So sweeping in my district was the enthusiasm that one old man who had five sons gave them all and then went himself. The records of the War Office tell the sad fate of that family. A poor widow of my town gave two boys, her only children; both fell for the cause of the Union and the Constitution. These instances are but too common, and are only named because they illustrate the patriotism and devotion of the whole people

Under this policy the Administration asked Congress for an appropriation of $400,000,000 and to authorize the raising of four hundred thousand men. Such was the confidence reposed in the fidelity of the Administration at that time that the people's representatives with unanimity appropriated $500,000,000 and authorized the raising of five hundred thousand men, exceeding by one hundred thousand in each case the request of the Administration. It was then no trouble to raise men without bounty by volunteering. General McClellan was called from a successful campaign in Western Virginia to the command of the whole Army. He soon brought order out of confusion, and organized the finest Army in the world. He submitted his plans of military campaign to the President, and they were considered wise and conservative. He commenced to operate on those plans, and everywhere the Union cause was triumphant. The people rejoiced in the bright prospect of a speedy peace under a restored Union. The cause of the rebellion seemed to be hopeless. There was manifest division in their counsels. Davis was openly denounced throughout the southern confederacy, and the deep-toned mutterings of an outraged people manifested all the outward signs of a counter-revolution against the rebel leaders. There was a wail that came up from the camp of the insurgent soldiery that stamped the rebel banner with all the signs of complete failure. All that seemed to be wanting on our part was to break the military force of the rebellion and lift its pressure from the people, to throw the protecting arms of the Government around the Union men wherever they could be found, no matter how small their number, and place in their hands the evidence to show to their friends who had been deluded that the Government was not aiming to make war on any right secured to them by the Constitution, and at the same time show to them that there was force enough in the Union to save the national life, and magnanimity to defend the constitutional rights of each section. If this had been our policy, and it had been adhered to, I have not the least doubt in my mind but that to-day the Union would have been restored. No one questions the fact that in the beginning of the war there was a large Union sentiment in all the seceded States. Mr. Lincoln, in his first message to the Thirty-Seventh Congress, said:

"It may well be questioned whether there is to-day a majority of the legally qualified voters of any State, except perhaps South Carolina, in favor of disunion. There is much reason to believe that the Union men are the majority in many if not in every one of the seceded States."

I firmly believe that the President did not overestimate the Union sentiment at that time. If it is less to-day, there is a cause for it; and I will endeavor to show that cause before I close my remarks. It is a well-known fact that many of the ablest statesmen of the South were opposed to leaving the Union, and defended it until the last moment and until they were completely overwhelmed by the tide. Among the number I will call your attention to the speech of one that I have held in the highest admiration. I have read the speech of Mr. Stephens, of Georgia, made in reply to Mr. Toombs, of that State, with the most profound interest. His vindication of the Government of the United States, and his exposition of the folly and crime of attempting to leave the Union, have not been equaled by any statesman North or South, and will adorn the brightest and best page in his history. I would commend the whole speech to every American. I can only give a very short extract on this occasion. Mr. A. H. Stephens, of Georgia, the vice president of the confederate States, in a speech delivered before the Legislature of Georgia on the 14th day of November,

1860, after the election of Mr. Lincoln, used the following language:

"The first question that presents itself is, shall the people of the South secede from the Union in consequence of the election of Mr. Lincoln to the Presidency of the United States? My countrymen, I tell you frankly, candidly, and earnestly, that I do not think that they ought. In my judgment, the election of no man constitutionally chosen to that high office is sufficient cause for any State to separate from the Union. It ought to stand by and aid still in maintaining the Constitution of the country. To make a point of resistance to the Government, to withdraw from it because a man has been constitutionally elected, puts us in the wrong. We are pledged to maintain the Constitution. Many of us have sworn to support it. Can we, therefore, for the mere election of a man to the Presidency, and that, too, in accordance with the prescribed forms of the Constitution, make a point of resistance to the Government without becoming the breakers of that sacred instrument ourselves, withdraw ourselves from it? Would we not be in the wrong? Whatever fate is to befall this country, let it never be laid to the charge of the people of the South, and especially to the people of Georgia, that we were untrue to our national engagements. Let the fault and the wrong rest upon others. If all our hopes are to be blasted, if the Republic is to go down, let us be found to the last moment standing on the deck, with the Constitution of the United States waving over our heads. Let the fanatics of the North break the Constitution if such is their fell purpose. Let the responsibility be upon them. I shall speak presently more of their acts; but let not the South, let us not be the ones to commit the aggression. We went into the election with this people. The result was different from what we wished; but the election has been constitutionally held. Were we to make a point of resistance to the Government and go out of the Union on that account, the record would be made up hereafter against us."

Can any one doubt that if our policy had been wise and conciliatory all that conservative class of men at the South of which Mr. Stephens was the representative would have sought the first occasion to return to the Union? I do not doubt it for one moment. But, sir, fanaticism has ruled, and we must drink the bitter cup. By changing our policy we have united the South and divided the North. You had a splendid Army in the field, and the people were fully committed to the war. Immense sacrifices of blood and treasure had already been made. The leaders of the Republican party (a name synonymous with abolition) demanded a change in the entire policy of the war, and I believe they demanded the change because they believed that the rebellion would be put down, and the Union would be restored, before their long-cherished political project of abolishing slavery could be accomplished. Having determined to force the change they no longer sought to ignore party, but everywhere proscribed men for opinion's sake. The offices of the Government, both civil and military, were filled from the ranks of their own most extreme partisans, and that without regard to merit or qualification.

But, sir, with this bright prospect before us, with a splendid Army, such as no nation could ever boast before, with a united people and overflowing Treasury, with a divided and discouraged enemy, you forced the change in the policy of the war to suit your own peculiar views and to accomplish political ends. McClellan was too conservative to suit you, and he was becoming too popular with the Army and the people. You demanded his removal, the President refused to remove him. You threatened the President, and demanded a division of the army, and the army of the Potomac was divided into three or four separate commands. The defeat and disaster attending each command will forever attest the folly and wickedness of that division, made to subserve political purposes.

I believe that our failure to obtain important military success through the instrumentality of the army of the Potomac is not attributable to any want of courage or prowess in that army, but that failure in every instance is traceable to unwarranted interference by those radical politicians who have not dared to risk their own lives in the field, and who have not been content to let the movements of the Army be controlled by those whose position, education, and profession entitled them alone to determine wisely its action. The Army has had a bold, brave, and desperately determined foe to contend with, led by able commanders. It has required the highest skill and ability in its commanders, with the most patient endurance, complete discipline, and exalted courage on our part to meet the adversary. And no mere political juggler has any more right to interfere with the movements of the Army than the Army has to interfere with the legislation of the country.

I desire now to turn my attention to the action of Congress during this momentous struggle. And before I proceed to speak of any specific measure I will state what I believe the action of the majority in this body will prove, and that is that the Republican party is in all essentials an abolition party; that if there ever was any difference there is none now; that you have forced a change in the policy of the war, not from any military necessity but to enable you to accomplish your purpose in liberating the slaves and elevating the negro to political and social equality with the white man; that you do not intend to restore the Union under the Constitution, but that you are determined to violate that sacred instrument whenever and wherever it comes in conflict with your political dogmas; that you will continue to adopt one measure after another, under the plea that it is for the salvation of the Union, until you will have divided the people, robbed them of their natural and constitutional rights, and finally, losing all hope of saving the Union, you will have established a centralized despotism. You are now following to the letter the predictions made by the immortal Webster. No photograph was ever more lifelike than that given by that great statesman, who warned the people of the danger to be apprehended by your elevation to power. He said:

"If the infernal fanatics and abolitionists ever get the power in their hands they will override the Constitution, set the Supreme Court at defiance, change and make laws to suit themselves, lay violent hands on those who differ with them in their opinions or dare question their infallibility, and finally bankrupt the country and deluge it with blood."

If the description given by Mr. Webster is not complete, allow me to give you another from the master hand of Kentucky's gifted son; one whose loyalty was never called in question. Mr. Clay said of them as a class:

"With them the rights of property are nothing; the deficiency of the powers of the General Government is nothing; the acknowledged and incontestable powers of the States are nothing; the dissolution of the Union and the overthrow of a Government in which are concentrated the hopes of the civilized world are nothing. A single idea has taken possession of their minds, and onward they pursue it, overlooking all barriers, reckless and regardless of all consequences."

I ask you who in the midst of this great struggle for national life, with a mind to comprehend the magnitude of the issues before us, does not tremble for the fate of this nation? Is not the question of civil liberty involved? Is not the great problem of man's capacity for self-government under process of solution to be worked out in blood? Is not the question of free and independent government on trial, and will it not require the best and most united efforts of all the people to save the ship of State? Can the party that can carry an election successfully put down this rebellion? Can you who are in power afford to ignore one million and a half of Democrats in this great contest? If you cannot afford to lose their support why do you labor so hard to prove that all who do not subscribe to the infallibility of this Administration are disloyal and traitors? Why do you indulge in low abusive phrases against them in debate? Why do you constantly keep before Congress side issues which have nothing to do with putting down the rebellion? Do you desire to save the Union of our fathers or do you desire a Union formed to suit your higher-law doctrines; one that is not held together by interest and the strong cords of fraternal love and affection, but one that is held together by bayonets?

The gentleman from Pennsylvania [Mr. SCOFIELD] talks about a homogeneity of ideas which is to be produced by his force policy in abolishing slavery. Why, sir, you might as well talk about forcing all men to look alike as to talk about forcing all men to think alike. God has not designed that all men should think or look alike; and having organized men's minds so that they will feel and think differently, in order that they may live peaceably in society they must compromise and concede something to each other's views. Governments are founded on much the same principles, and our Government is one peculiarly of compromise; and without that principle it could never have been formed.

But if you really desire the restoration of the Union, why do you keep constantly before Congress and the country the negro? You seem to have given far more importance to the interest of the African race than you have to the interest of the white race. Mr. Clay says that one idea has seized your minds, and onward you pursue it, reckless and regardless of all consequences. Is not this true? When did you shed the tear of sympathy over the afflictions of the sick or wounded soldier in camp or hospital, or over the distressed widow and orphan at home, made so by the war? If you are unable to answer me these questions, answer me another. When, since you have been in power, have you failed to have before Congress some subject relating to the negro? Look at the list of measures that you have passed on that interesting subject—a list disgraceful to you and ruinous to the country. You commenced the agitation by abolishing slavery in the District of Columbia, at a cost of millions of dollars. Then came the repeal of the law against the transportation of the mails by negroes. We all witnessed the great agony and discussion in the Senate of the United States over the ejecture from the street cars of this city by the conductor of one Major Charles Augusta, an impudent negro, who, because he had shoulder straps on, felt licensed to thrust himself on the car seats by the side of white ladies. Look at the discussion on this subject, and you will find that a distinguished Senator [Mr. GRIMES] declared that it was a greater disgrace for this negro to be put out of the cars than it would have been to have done the same by the Senator from Indiana, [Mr. HENDRICKS.]

And again, the question of the organization of the new Territory of Montana is before the Senate. That august body debates and finally adopts an amendment to the bill providing that negroes may vote. The amendment was adopted on a call of the yeas and nays, 20 for and 17 against it. The vote in the House on its return from the Senate, on the question of laying the bill on the table, was a tie vote, and the Speaker gave the casting vote against laying on the table. But to my list once more.

The amendment of the Articles of War, so as to make it a high offense for an officer of the Army to return a runaway slave to his owner;

The refusal to make it an offense of like character for an officer to entice away a slave;

The passage of a law recognizing as our equals the negro Governments of Liberia and Hayti;

The passage of a confiscation bill aimed at slavery;

The act authorizing the President to call negroes into the military service of the United States;

The admission of the new State of West Virginia, in violation of the Constitution of the United States, *provided* she would abolish slavery;

Prohibiting slavery in all the Territories of the United States.

Add to these measures—

The six hundred free negroes sent to the island of Avache, and finally returned after a pleasant excursion at sea at the public expense;

The bill to establish a Freedmen's Bureau, at an immense cost to the Government;

The bill to reconstruct rebel States, in which the negro is to be forever free;

The bill providing temporary territorial governments for seceded States, in which the lands are to be leased to negroes under overseers, and schools are to be established for the negroes;

The proposition to amend the Constitution of the United States, abolishing slavery in all the States where it now exists by law, and forever forbidding it;

The various propositions to increase the pay of the negro soldier, with your manifest indifference about the increase of the pay of the white soldier;

The eulogium of the gentleman from Pennsylvania [Mr. KELLEY] on the life and death of some negro friend of his;

And finally, and to cap the climax of negroism, we have the President's amnesty proclamation, reconstructing rebel States and fixing the qualifications of voters, who are, before being entitled to vote, required to take an oath to support all the proclamations that he—the President—has issued or that he may hereafter issue on the negro question.

Sir, can any man of sound mind look over this list of measures, which is by no means full, and then read the immense volumes of speeches made in behalf of the negro, and not be impressed with the idea that you are more concerned about the

abolition of slavery than you are about the restoration of the Union, or the liberties of the white race on this continent? Indeed, am I not warranted in saying that you would not accept the Union of our fathers to-day if it was tendered to you by the rebels laying down their arms and asking to return? Look at the declarations of some of your ablest leaders. Many quotations might be made from others on that side of the Chamber; but I will take, as a sample, what I think is the sentiment of a large majority of your side of the House. Mr. STEVENS, of Pennsylvania, in discussing the question of the admission of West Virginia into the Union—and he has reiterated the same sentiment at this session—said:

"I will not stultify myself by supposing that we have any warrant in the Constitution for this proceeding. This talk of restoring the Union as it was and under the Constitution as it is, is one of the absurdities which I have heard repeated until I have become sick of it. There are many things which make such an event impossible. *This Union never shall, with my consent, be restored under the Constitution as it is.*"

Hear what my colleague from the burnt district of Indiana [Mr. JULIAN] has said. On the 14th of January, 1862, in a speech on this floor, he is reported to have used the following language:

"Cases may arise in which patriotism itself may demand that we trample on the most vital principles of the Constitution; and this has been done already by the present Administration under the exigencies of the war."

And again, during this session, he made a speech in which he said:

"Now is the time to begin this work; we must not only cut up slavery root and branch, but we must see to it *that these teeming regions shall be studded over with small farms, and tilled by free men.*"

And he further adds on the same occasion:

"Should both Congress and the courts stand in the way of the nation's life, then the red lightning of the people's wrath must consume the recreant who refuses to execute the popular will." * * * * "*Not even the Constitution must be allowed to hold back the uplifted arm of the Government.*"

These sentiments are expressed by bold and able men; but they are no longer entitled to be called pioneers. They may have been so in days that have passed, but the majority of those with whom they train are up with them now, and many of them a bow-shot ahead.

It is useless to quote any further, for these sentiments and expressions abound and are to be found on almost every page of your Congressional Debates for the past three years.

Now, sir, what I desire to know is this: if a man in the South is a rebel because he sets the Constitution at defiance and refuses to live under it, and will not consent that the Union shall be restored under the Constitution as it is, what then is a man in the North who swears to support the Constitution, and then declares that the Union shall never be restored under it if he has the power to prevent it? I can find you plenty of such cases on this floor. If one man can say that he will not consent that the Union shall be restored under the Constitution for one reason, why cannot another man say the same thing for another and different reason? If the one is a patriot and the other a traitor, what saves the one and damns the other? Is it the saving grace of negro equality?

Sir, I am sick and tired of this constant agitation of the negro subject. The agitation of that question is the Pandora's box from which has come evil, and only evil. I have no hostility to the poor down-trodden African, and if slavery is dead or dying I shall not be a pall-bearer or mourner at the grave. But I have yet to learn that by all your speeches or votes on the subject you have conferred upon the negro one single, solitary, substantial advantage or benefit. You have taken them from happy homes and sent them wandering vagabonds and outcasts to die of starvation, or be huddled like sheep in contraband camps, there to be fed at the public expense, from the sweat and toil of white people. You have determined that the Union shall not be restored until slavery is abolished, and yet you have never been able to tell what you are going to do with the four million blacks when you have liberated them. You will not send them out of the country. Your experiment with the six hundred that I have referred to settles that question.

I am aware that some of you do entertain the idea that you will ultimately exterminate the fighting men of the South, or expatriate them, confiscate their homes and send their families wandering through the country, after which you hope that a new population will take the place of the present occupants and owners of the soil, and then you expect to see the negro population flourish in all the enjoyment of social and political equality. Sir, this idea is as visionary and as baseless as the fabric of a dream. Why, sir, you do not know the people of the South. If you had the power to overrun the entire South with your Army, and exterminate every soldier under arms to-day in the South, and if you could confiscate their lands and give them to the negroes and to Yankee adventurers, do you suppose that you could possess them in peace? Not a bit of it. At every returning ebb and flow of manhood, as the generations grow up, they would fight you, and they would fight you for a thousand years. You may as well dismiss that idea at once. Then what else can you do? Your scheme to colonize them on the Rio Grande will not work. They would at once become the prey of the avarice and cupidity of the white sharks, who will hang about them as office-seekers or missionary agents. The people of the North will not receive them with the view to making them their equals, politically or socially, although the doctrine of miscegenation is beginning to be popular with the abolitionists. Then what next? Mr. Lincoln says, after much fighting and much loss on both sides, and no gain on either, you have the same question before you yet to settle. I may not have given his words, but his ideas and substance I have. Suppose you succeed in forcing the States to liberate their slaves, and you permit them to remain on the soil where they have been born and raised, will not the boasted freedom you give the enfranchised slave after all be merely nominal? Will he not be found in a short time a vassal, a serf, or a peon? To my mind it is clear that he will. There is no philanthropy in your visionary and wicked policy, and the sooner the people see it the better.

Sir, I desire to see this Union restored, and I desire to see it restored on such principles as the South will feel satisfied with, if such a thing is possible. I want no thorns left in the side of the body-politic, but that we may live together as kindred and countrymen should live. I am a plain man, and I represent a plain, honest, and patriotic people—a people whose interest is in the Union, and not out of it. We have been faithful to observe all our constitutional obligations to each and every section of the Union. My people are mainly agricultural, living in the great West, on the Ohio river. They are compelled to have the markets of the South for their surplus produce, and for transportation we are bound to have the free navigation of the Ohio and the Mississippi rivers. The free navigation of these waters is as essential to our material prosperity as the rain that falls on our fertile lands is to the growth of vegetation. And come what may, we never will give up that boon of God to any power on earth while we can float brains, blood, or muscle on the bosom of these great natural thoroughfares.

I have stood by this Administration in all the measures that I have believed would aid in restoring the Union. I have voted to raise men and money for the war. I have voted to lay the burdens of taxation on the people, and my constituents have borne all this uncomplainingly. We have had no other object in view than that the South should be compelled to respect the law and the Constitution. I feel that I have a right to complain when you do not live up to the law and the Constitution yourselves. Sir, who is at fault that we have not put down the armed rebellion, and restored the Union? That now becomes an important question. The fault does not lay with the people, for there never was a people on earth who have supported an administration more faithfully than have the people of the loyal States. The fault is not with the Army, for I maintain that it has accomplished all that it could under the circumstances. It is not the fault of the Democratic party that you have not succeeded, for I put it to you as gentlemen and as men of honor to say whether or not the Democratic party has failed to respond to any call made on them for men or money. Why, sir, in my own State where all have done well, the district the most tardy in responding to the calls for men is the district the most abolitionized—the one represented here by Mr. JULIAN. It is not because you have not had abundant means under your control.

Let us look for one moment at what you have had of men and money. The calls for men may be found to be about as follows, to which the people have promptly responded:

April 16, 1861	75,000
May 4, 1861	64,748
From July to December, 1861	500,000
July 1, 1862	300,000
August 4, 1862	300,000
Draft, summer of 1863	300,000
February 1, 1864	500,000
March	200,000
April, for one hundred days	100,000
Total	2,339,748

This is the aggregate of the calls for men in the Army alone, while the naval service foots up as follows, as shown by the recent reports of the Secretary of the Navy:

Vessels in service and building	588
Total tonnage	498,000
Number of guns	4,443
Number of seamen, July 1	34,000

The known cost of all this it is impossible fully to state, but the following figures show the loans and liabilities authorized by various acts of Congress:

Loan of 1842	$242,621
Loan of 1847	9,415,250
Loan of 1848	8,908,341
Texas indemnity loan of 1850	3,461,000
Loan of 1858	20,000,000
Loan of 1860	7,622,000
Loan of 1861	18,415,000
Treasury notes, March, 1861	512,900
Oregon war loan, 1861	1,016,000
Another loan of 1861	50,000,000
Three years Treasury notes	139,679,000
Loan of August, 1861	320,000
Five-twenty loan	400,000,000
Temporary loans	104,933,103
Certificates of indebtedness	156,918,437
Unclaimed dividends	114,115
Demand Treasury notes	500,000
Legal tenders, 1862	397,767,114
Legal tenders, 1863	104,969,937
Postal and fractional currency	50,000,000
Old Treasury notes outstanding	118,000
Ten-forty bonds	900,000,000
Interest-bearing Treasury notes	500,000,000
Total	$2,774,912,818

This sum is startling, but it will fall but little short, at the end of this year, of four thousand million dollars; and then I have not taken into the account the immense amounts appropriated by States, counties, cities, towns, townships, and individuals. When the entire sum is estimated, it will be more than one half of all the real and personal property of the loyal States, and fully two thirds of all the arms-bearing men in those States. All this vast sum of money and these vast numbers of men have been under the control of one man. What has he done with the nation's blood and treasure? The proudest monarch on earth never had so much power. What are the results? The money is still flowing and the soldier is still bleeding, and the Union is not saved. Taxation increases $3,000,000 a day, and the population of the country is being rapidly wasted away by death and disease. Go to the crowded hospitals and look on those emaciated forms who inhabit them in pain, in sorrow, and in despair. Go to the vast fields of graveyards around this city and all over the country, where dead heroes sleep; view the dark horizon of this awful war in all its frightful aspects; and you will begin to comprehend the responsibility which will attach, in the minds of the people and of future ages, to the party, the faithless, profligate, and corrupt party, now in power.

We see the President openly admitting his infidelity to principle. On a recent occasion he says that he has not controlled circumstances, but that circumstances controlled him. We see him apologizing for his flagrant violations of the Constitution on the ground that his usurpations are dictated by necessity. We see him withholding his proclamation, which is forced by military necessity, as he alleges, until he obtains the success for which it was issued. See the letter of the late Owen Lovejoy to William Loyd Garrison, published in the Boston Liberator, for the truth of what I say. We see the President at the side-shows of this city, where the Constitution and the old Union are discarded by travail-